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## CHAPTER I—PRELIMINARY

1 The Government of India by their resolution No 4 of 1949 the text of which is reproduced in Appendix A constitute and report on the Jagirdari and land tenure system in Madhya Bharat. The Committee was formed of two members, two from Madhya Bharat with Mr C S Venkataswami Aiyar as Chairman. This might lead the impression that it consisted of two members but the Committee has found it more convenient to work as a joint body. In some measure the agrarian problems of the two States are common aspects but where certain questions have required separate treatment have been dealt with in separate chapters or sections of the report.

2 The terms of reference of the Committee as set forth in the Government of India referred to above are very wide. While the scope of the Committee's task has been emphasized the Committee has been asked to make its recommendations for measures of reform. The resolution gives greater prominence to the Jagirdari problems. The Committee has been asked to make its recommendations in relation to the land in direct relationship with the State. This necessarily involves an examination of the Jagirdari system but also of the Zamindari system and of the general question of the desirability and possibility of all classes of intermediaries between the ryot on the one hand and the State. The terms of reference also charge the Committee with making recommendations for the reform of land tenures and the present system of land revenue administration. The Committee has interpreted the terms of reference in the wide manner indicated. It has confined itself to the examination not only of the problems of the Jagirdari system in the two States but also of the problems of the Zamindari system and of other general aspects of the rights and the building up of an efficient administrative system.

3 Mr V S Srinivasan, a member of the Constituent Assembly of Madhya Bharat who was appointed to this Committee in the end of October. The Government of India nominated another member of the Constituent Assembly of India to represent Madhya Bharat. Mr Sarvate's place.

4 The first meeting of the Committee was held at New Delhi. At this meeting a draft of the questionnaire was received. The text of the questionnaire will be found in Appendix B. It was published in the Government Gazette of Madhya Bharat. It was published in other ways. Written memoranda in reply were invited both from individuals and from associations. The revenue problems of the two States. More than 100 written replies were received and as oral interviews in Rajasthan and about 500 in Madhya Bharat presented a very wide variety of views.

5 The Committee then toured the important parts of Madhya Bharat. They visited Indore on October 26 and 27 and 28 and 30. They then reassembled in Rajasthan and Madhya Bharat. Jodhpur on November 5 and 6 Jaipur on November 10 and 11. During these tours persons of interest with or interested in any aspect of the problems and to express their views. These persons and associations in

had sent written replies to the questionnaire as well as others who had not sent any such replies. During the tours the Committee also took the opportunity of visiting villages and studying the land records systems, the land tenures and the Jagirdari systems on the spot.

6 The Committee then reassembled at New Delhi on November 24, 25, 26 and 27 to consider the recommendations which they should make to Government. They also met a deputation of the Jagirdars, a section of Madhya Bharat and Rajasthan and heard their views on a memorandum presented by them.

7 For facility of narration and description we have retained references to individual Indian States as they existed prior to the formation of the Union.

## CHAPTER II — HISTORICAL BACKGROUND

### The Unions of Madhya Bharat and Rajasthan

1 The Unions of Madhya Bharat and Rajasthan comprise within their area a large aggregate of Rajput States as well as a few non Rajput States including two of the largest Mahratta States in India. This area is bounded on the west by the Great Indian Desert its northern boundary marches along Punjab and Delhi and the River Jilma on its eastern boundary lie the Central Provinces and the Aravallis and the Vindhya separate it from Gujarat and Deccan. The area of this region is 173 402 sq miles with a population of 20 07 119.

#### Madhya Bharat

2 Historically the best known part of this region is Malwa. A tribe of people known under the name of Malava is settled in this tract of country and gave it the name of Malwa. From the very earliest times we hear of the Aryan colonisation of Malwa.

3 Avanti with its capital at Ujjain on the sacred Kshipra is hallowed in the lore and literature of India. Asoka as a Royal Prince was Viceroy of Ujjain during his father's reign. When he succeeded to the empire himself and became a Buddha he caused the erection of the famous Stupas at Sanchi near Bhilsa. This country is also famous for having been one of the seats of the great Vikramaditya the founder of the Vikram era. It was in the north of Malwa near Mandasaur that Yashodharman and Baladitya broke the power of Mihirakula the Hun invader.

4 After the death of Harsha we find Kshatriya tribes of the Deccan and northern India evolving into Rajput clans and tribes. In the period before the Moslem invasion the Paramaras were dominant in Malwa and the Kachwahas and the Tomars in the northern area of Madhya Bharat. The ancient Paramaras are still represented by the Rulers of Pagarh and Narsinghpur and the modern district of Rajgarh is inhabited by the Ujjain clan of the Paramaras. Gwalior and Malwa were during the early Moslem period annexed to the Sultanate of Delhi. When ever the Central Government at Delhi was weak the Moslem governors of Malwa tended to become independent rulers.

5 Malwa lying on the broad front from northern India to the Deccan had always a great strategic significance. It was consequently also always liable to pressure from neighbouring States. During the period of Moslem rule the centre of gravity of the Kachwahas moved from the north of Gwalior westwards to Jaipur. The Tomars who had ruled Delhi before the Moslem invasion were now pressed back to the south of the Chambal. From the west came the pressure of the Khichu Chauhans who founded the States of Raghogarh and Khilchipur. A little before the invasion of Babar Rana Sangram Singh of Mewar actually conquered Malwa from its Moslem rulers.

6 During the Moghul empire a new class of Rajputs was introduced into this area. Rajput grandees at the Moslem courts or cadets of the families of the Princes of Rajasthan who found favour with the emperor were often granted fiefs in this as in other parts of India. Such are the Rathore Princes of Patlam, Sailana and Sitamau.

7 Under the Moghuls the greater part of Malwa and Gwalior was directly administered as is apparent from the statistics in the Ain-i-Akbari. The direct administration of Malwa by the Moghuls left its impress and brought about modifications in the fiscal history of the region. With the decline of the Moghul power much of the local administration in Malwa was undoubtedly obliterated. The position of the territorial chiefs was considerably reduced and their importance diminished. The intermediaries on whom the Moghul power had relied for their administration suffered severely and there was much spoliation of territory as well of rights.

8. The last Mahratta raid in Malwa was toward the close of the eighteenth century. A few years later the Mahrattas were collecting Chosh. Under the pressure of events the Mahratta Emperor granted the Ichhawaji Baji Rao the D of Malwa. Baji Rao appointed his general the Scindia the Holkar and the P of Dhar and Dewas to administer the country and to collect his due. These general levies on themselves held the whole of Malwa in fee. The Mahratta position in the principal war between 1803 and 1818 a result of which the British established their paramount power in India. Sir John Malcolm made a report on the Central India in 1815. The Central India of August 1816 is still held by Malcolm with but few modifications.

9. During the period of Mahratta rule and of Indaravids and mutual inter-relationship between Holkar and Scindia the political map of Malwa had been reduced to a puzzle and the country was reduced to a state of extreme uncertainty. The territories of the Mahratta chief were inextricably entangled. Spotted all over the country were lordships in varying degrees of subjection to one Mahratta Prince or another. In order to evolve some pattern out of this tangled skein Malcolm divided the country into three categories.

10. The first consisted of princes who were rulers in their own right and of subordination to no one else such as of Gwalior Indore Dhar and Dewas. These were all Mahratta princes. The second category consisted of the bigger chiefs who claimed recognition by the British independent of the Mahrattas. Agreements between these chiefs and the Mahratta princes claiming authority over them were arranged through British mediation and these States were therefore to be mediatised states. This still left considerable residue of small chiefs and Rajputs who could not be recognised as completely independent. Their holdings were therefore converted into guaranteed estates that is to say estates under the superior authority of another ruler but the possession of which was guaranteed by the British Government under varying conditions.

11. This report is not concerned with the adjustment of tributes which made at the settlement of 1818. But one special type of tribute must be recalled here. During the period of establishment of their authority in Malwa the Mahrattas had followed a policy of crushing out the Rajput chiefs and of obliterating many of them as possible. Many big Rajput chiefs were reduced to holding a few villages and yet others were entirely driven from their ancestral lands. Rajputs in revenge used systematically to raid and plunder the villages which passed from them to the Mahrattas. Immunity from such raids was bought by the Mahrattas by the payment of blackmail money which was generally known as *Girasia*. These *Girasia* grants were among the existing rights at the time of British occupancy and were recognised by Malcolm on condition of maintenance.

## Rajasthan

1. There is definite historical tradition of the migration of Rajput clans several centuries preceding the conquest of northern India by the Moslems in the twelfth century. The shattering effect of the invading forces of Islam brought about the dispersion of Rajputs from the fertile and open parts of the country. The Rajputs spread themselves out in the hills, wastes and the arid lands of Rajasthan which they held as the second line of defence against the foreign invaders. In the thirteenth century the dominant clans of Rajasthan were already settled in areas in which they are found at the present time. By then the Sisodias were in occupation of the south and south west, the wild western marches were held by the Rathores, the Maras a branch of the Chauhans were the dominant element in the Lajpuri while the central parts were held by the Kachwahs of

12. The Kings of Delhi exercised little effective jurisdiction over the Rajputs. The Rajput chiefs and the clans maintained their independence. The Delhi sultans planned expeditions of the Delhi Kings and the opening of the route

the Imperial army to Gujerat through Rajasthan made no serious impression on the independence of the Rajput chiefs. The Moghul did not obtain a firm foothold in the heart of the country. When the Tughluq dynasty fell the independence of the Rajput chief was sealed by the Moslem king lords of Malwa and Gujerat. There was a short but brilliant revival of Rajput strength under Prithvi Singh of Mewar. Fortune rose and fell. Finally some of the fertile lands in the east were lost and the Rajput clans were increasingly confined to the more inhospitable and inaccessible areas in the west and the south west.

14 During the Moghul period the Rajput chiefs accepted the overlordship of the Moghul Emperors and maintained troops which were at the disposal of the Emperor so long as he was in a position of authority to requisition them. But internally the Rajput chiefs and their clan organisations were not subjected to the direct authority of the Moghuls and they succeeded in retaining considerable autonomy and independence. Akbar made Ajmer the headquarter of a Suba which included all the surrounding territories of the clans. Certain parts included in the territories now known as Japur and Alwar may have been subjected to a closer control under the Moghuls owing to the proximity of the strong garrison towns of Agra, Ajmer and Delhi.

15 In the Ain-i-Akbari the whole of Rajasthan is shown as being comprised in the Suba of Ajmer. There are statistics for certain districts such as Ajmer, Nagaur and Bikaner. Moreland who has critically examined these statistics concludes that they did not apply to Bikaner, Jodhpur, Sirohi and Udaipur. Elsewhere also it may be presumed that the authority of the Moghuls over the tracts in central and eastern Rajasthan was far less extensive and less effective than the statistics pretend to imply and the revenue payments must have been a financial valuation of the amounts assessable than the actual receipts. The lands were acknowledgedly in the possession of the different clans under their own chiefs. With the possible exception of certain restricted areas in the central and northern parts of Rajasthan the Moghul agrarian system was not introduced in the areas held by the Rajput chiefs and their subordinate chieftains.

16 In the one hundred years following the death of Aurangzeb the Rajput States were threatened with obliteration by the powerful impact of the professional armies of the Mahrattas and the Pathans and the internecine feuds among the Rajput chiefs themselves. In 1818 a Rajasthan completely disorganised in its internal conditions was taken over under British protection.

17 The internal structure of the Rajput society was least modified during the Moghul period. The long period of distress which preceded the imposition of British Paramountcy weakened the central power of the Rulers in the Rajput States but it placed the subordinate chieftains in a position of greater independence. When the British settled Rajasthan in 1818 they had to bring about an understanding between the rebellious Thakurs and the suzerain Darbars in all the principal States where the semi-independent Thakurs had seized the Crown lands and had appropriated to themselves a large measure of authority which did not belong to them. Though the internal structure of the Rajput States was stabilised, an old and archaic institution based on clan organisation could not but be affected by the emergence of a strong Central Government of the Ruler of the State and by the corroding influences of the working of modern forces upon such an institution. Historically the land tenure system in Rajasthan has remained unchanged without any serious modifications during a period of nearly seven hundred years.

18 It took another half a century for the States in Rajasthan and Central India to recover from the scars and wounds which were inflicted on them during the disturbed period preceding the political settlement of 1818. It was during this period that in what was then known as British India the various systems of land settlement and tenures were evolved by the early British administrators. The shape given to certain theories of ownership of land and land revenue.



19 Before we refer to the land system during the British period we may make a brief reference to the agrarian system in the Hindu and Muslim period

## Fiscal History

20 There is much that is obscure in the fiscal history of the region. There is lack of continuous historical information and of statistics. Only some very broad and general observations have been set out to serve as a background to the questions which are dealt with elsewhere in the report.

21 Village institutions in Malwa can be traced to the remotest antiquity as in other parts of India they continued to survive in their ancient vigour till the eighteenth century. In Rajasthan village institutions appear to have had a depressed existence owing to the peculiar nature of the clan settlements of the various Rajput tribes.

Jurists and administrators have debated on the question whether in the Hindu agrarian system the principle of ownership of land ever prevailed or was admitted. We do not ourselves propose to examine this question. We content ourselves by quoting a few words from an authority which sums up a salient feature of the Hindu land system —

We find substantially two parties primarily interested in the land as far as its produce is concerned. These are the King and the cultivator and there are no independent interests although we find also a number of officers interested in the crop whether on the part of the village or the King. On the part of the King were the officers of revenue and the civil and military establishments which were frequently provided for by a grantment of revenue. But we see nothing approaching to a proprietor in the English sense and very little of the relation of landlord and tenant. (Flore Lectures 1841 quoted in the Report of the 11th Anniversary Abolition Committee)

22 The fundamental of the Hindu system may be stated thus. The relation between the King and the cultivator does not find in the early Hindu law texts a notional landlord and tenant. It is more in the nature of a partnership, the productive powers of the soil, a relation which may very well exist without the attribution of a right of ownership to either party. According to the law laid down by Jaimini we find that the King cannot give away the earth because it is not his exclusive property but is common to all beings enjoying the fruits of their own labour on it. The only rights recognised were the right of the King to share of the produce and a right of occupancy for the cultivator who raised the crop. There was no third party intervening between the King and the cultivator. The right of the cultivator was a conditional right to occupy which right he could transmit to his heirs and which for that reason might be deemed a proprietary right, certainly fell far short of that right of ownership which in the modern sense has come to connote primary powers of user, control and disposal. The free exercise of the power of alienation which is a characteristic incident of ownership in the modern sense was wholly unknown during the Hindu period.

23 There is no evidence to which we can refer except the laws of Manu and other ancient Hindu texts by which it may be presumed that during the Hindu period village institutions in Malwa and in those parts of Rajasthan which had been colonised conformed to the position stated above.

24 The Islamic law was administered for a period of over six centuries in those parts of India which were subjected to the direct administration of the Muslim rulers. The law of the Hanafi school was generally followed in India. It was a rule of law among the Hanafi lawyers that once the State had exercised the obligation of

I have read the paper and find it to be a valuable contribution to the history of the land system in India. It is a pity that it is not more widely known. The author's name is not mentioned in the title page. The paper is well written and contains many interesting facts and figures. It is a valuable addition to the literature on the subject. The author's name is not mentioned in the title page. The paper is well written and contains many interesting facts and figures. It is a valuable addition to the literature on the subject.

he lands in the possession of their former occupants the State renounced all claim to the owners and had no more than the right to exact the land tax (khiraj) from the tenants. It is in possession who were treated not as tenants of the State but as proprietors. The doctrine of the Option originally applied to land which had been conquered by force. Subsequently it was extended to cases where the occupants made their submission.

26 From this statement of the Hindu law it appears that a Muslim could have no original title as owner of land subject either to tithe or khiraj. He might, however, have had it from the State by superior title the owner of lands being subjected to the fixed khiraj through use of the legal powers of expropriation where the taxpayer defaulted. The normal position was that where the option had been exercised the only right of the State was to receive a tax from land taken up for cultivation.

27 As the Hindu law speaks only of the King and the cultivator so too the Muslim Law contemplates only two parties namely the State which received the land tax and the proprietor in actual possession of the land who engaged with the State for its payment. Whatever may have been the legal theory in this matter there is nothing in the history of the land administration during the Moslem period in India to show that the actual payment of the revenue to the State was acknowledged as a badge of ownership in the modern sense of the term.

28 Akbar's settlement and the regulations made by him recognised the position that the State dealt directly with the cultivator. The procedure in fact was a reversion to the Hindu system of direct relation between the King and the cultivator. There is no justification to hold from the records of Akbar's settlement that the cultivator is the owner of his holding by virtue of his liability to pay the revenue for it. His right of the cultivator during Akbar's reign was no more extensive than what it was in the Hindu period—his right of occupancy which was alluded to pass by inheritance. Throughout the Moslem period there is no evidence which purports to confirm a claim for proprietary rights of any class of millets or to place them in a position of landlord over the cultivators.

29 We must accept that during the Moslem period there was no great modification of the ancient Hindu agrarian system. The innovations which were introduced under Moslem rule did not fundamentally alter the previous position.

30 The origin of the intermediaries between the King and the cultivator is dealt with in another section. The answer to the question how the intermediary class put forward a claim for landlord right may have to be looked for in the early history of the revenue administration of British India.

31 The system of the Farmer of Revenue assumed greater importance during the declining years of the Moghul administration. With the collapse of the Moghul power the Central Government became weak, the relaxation of control gave the Farmer a greater opportunity and scope for tightening his grip and the Agency faded out. With the change of the system of revenue the position of the Revenue Farmer was altered considerably. He began to secure for himself the status of a landowner. He had acquired what may fairly be described as a prescriptive claim to proprietary interests in the lands under his control and his position of authority made him to all intents and purposes a landlord. It was open to the early British administrators in Bengal when they first came in contact with the land revenue system under the decedent rule of the successors of the Moghul Empire to have taken the stand upon the previous status and even the letter of the Moslem law which does not tolerate the acquisition of property by prescription and to have refused to recognise the claim based upon prescriptive rights. The agrarian system under the British rule followed a different course and by the Land Revenue Regulation of 1859 passed by Lord Cornwallis the Zamindars of Bengal were declared to have permanent heritable and freely transferable right in the lands comprised in their estates.



owing to the autocratic nature of the Puler both Malabar and Malatta and created it in Pajath where the Puler power and authority were considerably restricted by the right of the subordinate chieftain. The rights of the grantee were undisturbed as long as they performed the conditions attaching to the grant and in the case of the grantee to their payment. The relation between the State and the cultivator was generally direct (with certain exceptions) in the area under the domain of the Puler. In the alienated area the village was supposed to stand in the same relation to the land as the Puler did in his field. Under the influence of modern ideas land has been settled and improved and rents fixed by a proper settlement in the area directly under the control of the Puler. The initiative taken by the State in this regard under its direct management has in various degrees been extended to the alienated area.



ritory and settled down there he would grant assignments of land to the leading warriors of his army both as a reward for their past services as well as a remuneration for continuing to render service and for maintaining armed forces to be made available to the King in time of need. Sometimes assignments were made merely as a reward for past service rendered. Then again endowments created by Rulers for the support of a temple, a mosque or an educational or charitable institution could take the form of an assignment of revenue. At the other end of the scale came the minor assignments as Inams or Muafis which were granted to members of a princely class or to servants of a humbler type for services rendered or for continuing service.

6 There has therefore existed in India from very early times a class of intermediary authorities authorized or permitted by the King to take a share and retain a portion of the whole. One of such class is the Assignee. The general idea indicated by the word Assignee writes Moreland is that instead of paying cash the State provided a future pecuniary claim by assigning to the claimant the King's share of the produce of a specified area, the assignment carrying with it the grant of executive authority sufficient at any rate to enable the assignee to assess and collect the amount due. The area might be an entire province or a single village, the claim to be satisfied might represent the cost of maintaining troops or salaries for civil or military service, and in normal times the bulk of the State's claim on the peasants was signed in this way.

7 The institution of Assignees indigenous in origin may be traced back to the pre-Moslem period in the form of assignments in lieu of salary or service assignments to remunerate high officers as well as lower ones by gifts of land or assignments of revenue.

8 It was laid down by Manu that an officer appointed to be in charge of one hundred villages should enjoy the revenue of one village. The Arthashastra apparently objected to the system for therein we read that the King shall not give away any village to any of his servants but he shall increase their subsistence and wages in consideration of their labouring and work.

9 The ordinary meaning of the more familiar term *Jagir* is the assignment of revenue conditional on future service. It became a great agrarian institution in Moslem times initially under the early Moslem Rulers and later under the Mughals and was transformed into a convenient instrument of government. From the beginning we observe there was *Peswari* (Khalat) land that is land directly administered for the benefit of the treasury. The assignee had to collect the revenue due from his charge and after defraying the necessary expenditures such as the pay of his troops to remit the surplus to the King's treasury at the capital. The King thus drew revenue from two principal sources, the royalty from the reserved land and the surplus income remitted by the assignee. In the next stage assignee was a functionary or a *Wazir* or *Amir*. Gradually in the pre-Mughal period the system of assignment became the most important administrative institution and it began to take the form which became familiar in the Mughal period. The assignee was bound not merely to loyalty and personal service but to the maintenance out of the assigned income a body of troops available for the King's needs.

10 The Assignee during the periods of vigorous Moslem administration held little more than a State servant removable at the will of the ruler exercising delegated authority and enjoying certain immunities and privileges. The Moslem Rulers of India tried not and then to establish direct relations between the State and the cultivators of the soil but the continued diminution of their conquered provinces and the increasing administrative requirements of the Government of their rule successively defeated their attempt. Almost throughout the Moslem period the great bulk of the Empire nearly seven-fifths we understand, remained in the

11 In Moghul times particularly in the recurring revenue were a particular item of recruiting.

of the Imperial service. Besides the general obligation of rank the soldier was under liability to maintain at his own cost a definite force of cavalry. The officer's income was always defined in money but the actual payment was by assignment of a rule and payment from the treasury was an exception.

1. Thus a term of assignment of land made nobility personal and not hereditary. Instead of obtaining it by high birth men obtained nobility by military or civil appointments. In the Mogul time there was an antipathy of office with no hereditary privileges and little alienable wealth. For this class there was no positive right to inheritance. Sequestration of property at the death of an officer was quite common. Nobility was often reduced to penury. In a strong protest to his father Shah Jehan Aurangzeb wrote —

It is your wish that I should adhere rigidly to the old custom and desire myself heir to every person who dies in my service. We have been accustomed as soon as a noble or a rich merchant dies to breathe away some time before the vital spark has fled to imprison and hold at the servants of the effluvia household until they make a full display of the whole property. The practice is bad and intemperate in doubt but can we deny its injustice and cruelty?

13 It was a common practice under the Moguls to allow the hereditary nobility downwards and to farm out the revenue to the high nobles. The interest of the assignee was not so much in the land as in the money. The position with a noble was unstable as he was liable to be moved out of position by a more energetic minister. There was no tendency for the accumulation of wealth and the nobles were in any way superior to those of the ultimate rank.





## CHAPTER IV — RAJPUT CLAN ORGANISATION

If the annals of Rajasthan propounded the feudal view of Rajput society. There are no features in the varian system of India which have any counterpart in the feudal system of Europe. There may be certain superficial resemblance in the clan organisation of the Rajput. The Rajput Chief is considered as first among his subordinate territorial chieftains. The Jir system with its assignments of land for military service may be considered as another characteristic of the feudal system. The theoretical view of the Rajput territorial system was revised and the official view of the Government of India was set out in the following terms in the first Rajputana Gazetteer —

The system upon which the land is distributed among the branch families and other great hereditary landholders is the basis of the political constitution of a Rajput State and forms its characteristic distinction. And this system not peculiarly feudal. The tenure of the great chieftain involves military service and payments of financial aids but its source is to be found in the original clan occupation of the lands and in the privileges of kinship and of purity of descent from the original occupants or conquerors. The subordinate Chiefs really claim to be conquerors with the rulers in their right to dominion over the soil and to the fruits of it. (Rajputana Gazetteer 1879 Vol. I p. 60)

According to this view, Clan fraternity which was the cementing element between the Ruler and his Chieftains was somewhat stronger than the ties of feudalism.

The description of the Jir system among the Rajputs is contained in the well known word Jir. The grant of an estate is to the life of the holder with inheritance to his offspring in full descent and adoption with the sanction of the Ruler and term of his tenure is usually the reversion and power to resuscitate being marked by the usual monetary acknowledgment of the grant or sequestration (Zabu) or h m (Nakhar) of the maximum of the her

f appropriated as his fise or Khalsa as much land as he could or as much as his ordinate chieftains would allow him to. He possessed the large portion of all the lands held by the head of the State are not often more than the aggregate of branch families. The lands are for the most part divided off and inherited by branch families of the dominant clan. Some considerable estates were held in the Rajasthan and Udaipur by families of alien clans who have come by marriage by anterior settlement in the country or have come as a contingent to aid a former ruler of the country in some hard fought contest. Larger estates are held by the hereditary heads of branch septs which have spread about from the main stock.

7 In several cases the original fields have been further sub divided but always retaining their independent tenure. In the words of Sir Alfred Lyall large tracts of land were possessed by the hereditary heads of the branch septs which are parcelled out from the main stock and by the kindred families which are as boughs of the great branches. Sometimes the branches have ramified into a numerous number of sub branches. Sometimes they are represented only by a family. The family chief also holds portions of his land amongst his nearest brother. In fact he is a state chief in miniature and his group is a sub group.

8 Thus the original very large estates have been divided everywhere into a number of smaller but independent ones. The actual process of division has of course varied. In some parts the estate passes in block to one heir and others are entitled to maintenance. In others the tendency to divide the land as the family increases and branches out is more marked. This process may be illustrated with reference to the history of Bikaner where the clan movements took place in the fifteenth century. The Pathores of Bikaner are divided into five main groups those descended from the original founder Bika consisting of nine important families those from his brother Bila those from Bika's uncle and chief supporter and the other two from Bika's less distinguished brothers and uncles. The anterior clan settlement was of the Bhatias. According to the Bikaner Gazetteer of 1874 forty five sub groups descended from the five main groups held between them 767 villages. 15 of the sub groups did not possess more than one or two villages and 18 sub groups of Bhatias held among them in aggregate 89 villages of which only 4 held villages over 100 and under 200.

9 Around and below the estate holders and the families are the kinsfolk who belong to the same sept of the clan. They hold land either directly or indirectly of the head of the clan on some sort of grant from him. When division among brothers becomes imperative the division of the freehold is in proportion to the custom of sub division in the clan permits. A stage is reached in the history of inheritance when the estate ceases to be further sub divided and provision for the younger brothers of the agnatic group is limited to the grant of a well and a few highas of land for life.

10 Standing apart from the clan organisation but above the cultivator is the Bhumia. Tod gives a historical account of the origin of this term in Mewar. Whatever may be the origin of the Bhumia looking at it held thus apparently in common with a hereditary non resumable and inalienable property in the soil was in part bound up with a revenue free title. In Ajmer Merwara the Bhumia has a high status and of Mewar it is said that the Bhumia there is considered to be the undisputed lord of the soil. The Bhumia and his heirs hold the land for ever on condition of peculiar service such as watch and ward protection of the roads or attendance for specified purposes.

11 Within a structure of society built up on clan organisation a chain of mutual authority and subordination runs in a graded course from the Puler to the possessor of one or more villages. The estate holder pays a small payment to the State Puler and retains a share on their income and regulated by custom. They are bound to render military service and their lands are rated at so many horse-men or footmen to be furnished yearly for the ordinary public service. The domains of the estate holders are rated at a certain valuation of rent roll for every thousand rupees a

certain number of armed men must be provided for the State's service. In recent times this service has invariably been commuted to cash payment. The prevalent system in the Western States and in Udapur. The relations of the estate holders with the Ruler differ from State to State. In places they exercise complete jurisdiction in their area. In other places they have been reduced to mere assignees of revenue without any political influence or civil authority.

1. Wherever the territorial sovereignty of the usual organisation has broken up the domains of the superior Chief or the Ruler have developed after many centuries into the Khalsa or the State and of the subordinate estate holders into the areas. It also appears probable that both the Ruler in the crown domain and the minor Chiefs in their own areas did not at first maintain or exercise a definite claim to the land as landlords but rather held their estates as rulers without direct connection with the cultivator except realising revenue from them. The Ruler of the State did not take any share of revenue from the subordinate. Gradually with the passage of time the previous somewhat indefinite connection of the subordinate Chief with the land has become more clearly defined and his hereditary rights have gradually developed into a claim on the part of the subordinate Chief with the actual landlords both of the waste and of the cultivated land. At present in this form recognised the right of the cultivator to the land which he or his ancestors have cleared and planted. In the Khalsa villages the Ruler's claim probably developed into a claim on the part of the Ruler.

in a greater part by various Jat tribes. These appear to have been organised into communities forming what may be called joint or landlord villages in which the original settlers or their descendants claim a right to the exclusive possession of the land round the village site. The growth of the claim of the Rajput soil lord has overborne the joint constitution of the pre Pathore villages. In place of a joint landlord claim of the descendants of the original founder of the whole village that claim has now been transferred to the Thakur who while respecting the right of the first clearer of the land and his heirs maintains a hold on the occupied waste. Thus the villages have now become merely a collection of independent families of cultivators the old bond of hereditary joint landlord claim to the village area having been completely dissolved.

16 Similar conditions prevail in the Khalsa villages also. The extract below from an early settlement report gives an insight into the constitution of a village in the Khalsa area in Bikner —

The actual act of founding the village will probably be marked by a ceremony. Each cultivator would build his house on the allotted site of the village and would help to excavate the tank. He then would break up and bring into cultivation as much land as he thought proper and wherever he liked at a rate at some distance from the village site. There was no partition of the whole or part of a definite area by virtue of joint landlord claim over it. Each cultivator had a right to hold the fields which he broke up and a certain area of waste around them as against the other members of the village. This right descended to his heirs in accordance with the custom and to such an extent was the right respected and is so still that a cultivator who is absent from his village for several years is justly entitled in the opinion of the country people to the possession of his ancestral fields and house when he returns.

There never has been in the great majority of the Khalsa villages any group of persons who asserted or exercised any claim as joint landlords of the whole area of the village nor at the time were any groups who made such a claim based on inheritance. The villages consisted of groups of independent cultivators the right of each of whom is based on his being either the first clearer of land or the descendant of such a clearer and was limited to the actual area held by him. He had no responsibility and consequently no contingent right in regard to the holding of any other cultivator nor had he any claim over any unbrided portion of the occupied waste. He had merely a customary right to graze his cattle there.

17 At the northern end of Punjab in the State of Kohat which was before that at the beginning of the nineteenth century the tenure of land in the Khalsa area was very widely changed by the administrative measures of Zulam Singh. Before his time two-fifths of the produce belonged to the State and the remainder belonged to the cultivator after deduction of the village expenses. Zulam Singh surveyed the lands and imposed a fixed money rate per bigha making the settlement with the cultivator and giving the village officers only a percentage on collections. He soon broke down all the hereditary tenures and got almost the whole cultivated land under his direct proprietary management using the cultivators as tenants at will or as farm labourers.

18 On the other hand in the State of Udampur for a long time by practice the tenant in the Khalsa area had been left generally undisturbed in his possession so long as he paid the land revenue. Here two varieties may be distinguished namely Pucca or Bapoti and Kutchha. The former gives the occupier rights of mortgage and sale and an indefeasible title to the land so long as he pays a settlement on it. Even if ejected for non payment or driven away by misfortune and losses he may at time return and claim the inheritance of his ancestors by paying the arrears as well as that of the year in which the land remained uncultivated. In the Kutchha tenure the occupier is little better than a

## CHAPTER V — JAGIR TENURES

## Rajasthan.

1 The existing systems of Jagir tenures in Rajasthan may be grouped into categories namely (1) Jagir (2) Juna Jagir (3) Bhom (4) Charitable Grants (5) Bhomacharya (6) Inam (7) Service Grants and (8) Permanently quit rent estates and lands. Each of these is described in detail below.

— **Jagir** — The term Jagir is used both in a generic and a specific sense. In its generic sense it connotes all non Khud area. In its specific sense it means grant in land consisting of a whole village or villages or a part of a village or villages. The tenure of the different classes of Jagirs are fundamentally the same but there are slight differences of origin and some variations as to the duty or payment which they are held. There are again broadly four distinct classes under which Jagir tenure falls. One class includes members of the clan fraternity who hold lands not originally by grant from the sovereign or upon the feudal system but by right of kinship with and descent from the original stock or stocks who first conquered and settled as a dominant clan in the country. Secondly there are grants for no feudal service is performed but only a quit rent paid or held revenue free. These may be held principally by the clan members of the Ruler's own family, Rana, near relatives of the Chiefs etc. They partake the nature of appanages. Thirdly there are real grantees who originally obtained a signment of land on the system where the revenue was given for maintenance of troops or other distinctly valid consideration. Fourthly in the wider application of the term Jagir a grant is made in recognition of service of a political or civil nature or as a mark of favour or in favour of the Chief. This includes non Rajput also.

1 The Rajput Jagirdar with few exceptions pay a fixed annual tribute to Jodhpur. The military tax called *Rekh* is supposed to be 8 per cent of the gross value of the Jagirdar's estate and he has to supply one horseman for every Rs. 100 of revenue or one camel soldier for every Rs. 100 or one foot soldier for every Rs. 100. The military service (*fakari*) has now been commuted for cash payment. In P. the fixed military tribute is called *Pakam* and is made up of *Ikhi* i.e. money payment in lieu of *sewa* and *Ikhwah* or protection fees. This yearly *Pakam* with the amount of the different rate but is generally about one third of the cost. In Udaipur the annual tribute is called *Chatund*. It is supposed to be sixteenth of the revenue minus the cost of the Jagirdar and the Jagirdar has to pay this amount for a certain period every year. In Jaipur there are *Chakras* of Jagirdars who hold their estates on what is called the *Baiti* tenure in perpetuity. These Jagirdars pay nothing whatsoever to the State either by way of rent or service. The other tenure is that of the *Pattadars* who hold their estates at the pleasure of the Ruler and pay nothing.

4 As a rule the Jagirdars pay a fee (*Nazarana*) on their succeeding to the estate. The amount according to the locality. Strictly speaking a Jagir is granted for a limited life only and on the death of the holder immediately he dies the estate reverts to the State and so remains until a successor has been found when it is again converted and a fresh *Patta* issued. Lastly an estate is not to be confiscated save for some grave political offence.

In the matter of succession to a Jagir the rule of primogeniture holds and if there is no son a successor is appointed by adoption who must be a lineal descendant of the original grantee otherwise the estate reverts to the State. A person adopted or nominated either by the Jagirdar during his lifetime or by his selection by the leading members of the family.

5 Non Rajput Jagirdars are not liable to military tribute but they pay *Nazarana* etc. In their case also adoption can only be with the sanction of the State.

7 *Juna Jagir* — A Jagirdar who's estate has been resumed is usually permitted Jodhpur in consideration of his previous position and in order to save him from coming home and paying for his certain portion (fit free of rent or tax) any kind. In Bikaner and in Udaipur this tenure prevails under the term Bhom. The tenure holder are descendants of Jaisirs to whom land is assigned for maintenance. They do not pay revenue to the State.

8 *Bhom* — This is a wider term than the one mentioned above and the holders of the tenure are scattered over a large area particularly in Jodhpur Marwar and Jaisalmer. Bhom land are of various descriptions. The Bhom are always a Rajput. Whether is a Bhom in a village or a few big holdings of land rent free.

9 In Jodhpur land given by the State or by the Jagirdar to any one for important service rendered to the State or village is called Bhom land. Such lands are exempt from all kinds of tax or fee except the Bhumbab which is no more than a mild form of tribute. Secondly land pooled and brought under cultivation by some enterprising persons are allowed to be enjoyed by them in perpetuity. A fixed tribute named Damb is paid yearly to the Jagirdar within whose estate the land comprised, the Bhom is situated. The land are also exempt from any other tax or service and continue to be enjoyed by the owners for generation. Thirdly the lands or villages seized upon or conquered and successfully enjoyed for a series of generations without being renewed or disturbed by a change of government also constitute Bhom. They are exempt from all kinds of taxation only a fixed sum named Bhangal is levied from them yearly. They cannot be resumed except on ground of treason or commission of heinous crime.

10 In Marwar the holding on the Bhom tenure may be divided under two groups namely the Bhom who pay a small tribute to the State and are liable to be called in for local service and Bhom who pay a normal quit rent (Bhom Barar) and perform such services with and ward of their village guarding the roads etc.

11 *Charitable Trust* — These have their various synonym such as Sasan Dohi, Uda, Milak, Luni with Dharmada etc. All the tenures connote charitable grants given to Brahmans Chaurans Nath Temple etc. As a general rule they are held rent free. A village in Marwar granted in charity called Samsarid held rent free. When the grant is of a portion of village or certain well and field it is known as Dohi.

12 *Bhomchaur* — The holder of Bhomchaur tenures are generally spoken of as Bhom. But they may be distinguished as a different class from those who hold Bhom land.

13 The Bhomchaur tenure is to be principally found in Jaisalmer Multani in Jodhpur and Shekhawati in Jaipur. The Bhomchaur tenure arises when the estate is treated as personal property and division takes place according to Hindu law and where the law of primogeniture is not admitted. Since division has gone on for centuries extreme fragmentation of Jagir right is to be expected and even the smallest holder of such right claims to hold his land under a Jagir tenure.

14 In Jaisalmer when a Jagirdar holding in estate in perpetuity dies a new Patta is not issued to the eldest son. The profit obtained from the soil is divided equally between all the sons if there happen to be more than one. So long as all are together this system is well enough but it is most frequently a fruitful source of grievous quarrel. If a dispute takes place a division of the land made by arbitration or by order of the State. The system continues from generation to generation and in many instances now a man's share in the land is very small indeed. This custom prevails principally among the Bhatti chattran who are the descendants of Mahammad Kait Singh.

15 The consolidation of the right of Multani and Shekhawati Alfred Lyall in his *Asiatic Studies* has been greatly hindered by the

the Chiefs of Jodhpur and Jaipur who being unable to control the unruly communities became alarmed lest they should unite under one head and become formidable independent rivals. With much the same motive as that which according to Henry Maine induced the English to gavel the lands of the Irish papists and them de vendible to all children alike the Jaipur Chiefs used all their influence put forward among the refractory sept the custom of an equal division of the among males on each succession—using it as a wedge to split up the groups as it began to form

16 There is no evidence for this assertion that the law of primogeniture was deliberately not admitted at the instance of the territorial chiefs of Jaipur and Jodhpur. The Bhomichara tenures of Mallani and Shekhawati arising out of the exclusion of the rule of primogeniture in regulating succession constitute an exception and not the rule in the clan organization. It is this exceptional procedure in the matter of succession that is responsible for the fragmentation of the Jagir rights in these areas and not any Machiavellian policy on the part of the Pulers. Perhaps the Rulers may have derived a secret satisfaction at the weakness of the clans in areas but it is inconceivable that they could have interfered with the laws of succession against the wishes of the clansmen.

17 In Mallani it is apparent that one branch migrated and founded the S of Jodhpur. The other which remained adopted the law of gavelkind that by which an equal division of the property of the father is made at his death among his sons and began to divide the land in equal proportion at some later date. At present the estates which are fairly big enough but the rest of the area has been minutely fragmented. The first in rank is Jasol comprising of 72 villages which are divided into two families. In 1890 it was recorded in a report compiled by Jodhpur State that the Birmar estate had already been divided amongst 40 families. Exact figures are not available in this area has not yet been surveyed (p. 11)

18 The tenures of Shekhawati in Jaipur have the same characteristics as Mallani with the difference that in the latter all the sons at the death of the father take an equal share in the land having been admitted her. The Shekhawats of Udaipurwadi were formerly (Colonel Tod) held that tract subject to the ordinary rule of primogeniture but it is not clear under circumstances which are not clear. According to the statement of 1849 villages were held in Udaipurwadi. Since the first partition of the Udaipur Shekhawati families was shown as holding villages while the remaining villages were shown as distributed amongst 18 Shekhawati families of which separate accounts are not recorded. Thus Sardar Singh and his family were under Maharaja Swami Jai Singh of Jaipur the latter Jhunjhunnu Narhar and Singhani. Jhunjhunnu and Narhar were later partitioned into the fiefdom of Sardar Singh and by this sub-division the Panchpana was formed. Since the Shekhawats of Udaipurwadi had already subdivided their estates long before the time of Swami Jai Singh it was natural that in distributing their landed property amongst their heirs they should follow the ordinary Hindu custom of division of the property which they had applied to their home. Colonel Brooke wrote that Sikar and Khetri are the only estates which have escaped the ruinous sub-division—the first by the destruction of the minor branches who sought to enforce partition and the latter by want of issue beyond a single inheritance. There is unwillingness on the part of the larger estate holders subject to their estates to sub-division but over a larger area in this tract the custom of equal partition between equal heirs was favoured. Mr. Wills has described the complexity of the sub-division of the land in this tract in the following terms: "A greater portion of it was no doubt partitioned of whole villages but even a number of villages were formed the share of a single heir that he did not receive the in a compact block. He received a number of scattered villages which collectively constituted his inheritance. Again as sub-division continued even the individual villages were broken up into shares so that a number not of whole villages but

attered villages went to form the allotment of individual heirs. Yet again there were villages which from the first were never partitioned as whole villages among the members of Sardul Singh but each was held jointly by all the members of the family. Important centres such as Jhunjhunu, Narhar and Singhana were treated in this way at a time when the co-sharers of such villages became numerous. Partition seems to have been effected resulting in an extreme degree of fragmentation.

19 It is not possible to define the incidents of Bhumichara tenure without care and making a local enquiry. It would be the function of a Settlement Officer to sound such a definition. Regarding Shekhawati Mr. Wills continues: "This is however, is certain that the Bhumias' right in Udaipurwadi is a very strong—certainly not inferior to the proprietary right of British India. They are not Rajas nor are they Istimardars—this latter term implying the existence of an actual Ijara. Their tenure as Bhumias is almost certainly derived from a territorial right which was in existence prior to the constitution of the Jaipur State in its present form but that tenure cannot be held to confer on them any title to hold independently of the Jaipur Darbar. It was originally a tenure subordinate to the Jaipur Government whose superior right was as already stated transferred by Ijara to Maharaja Jaisingh in 1730."

20 The table below shows the extent of fragmentation in the Panchpanas of Shekhawati (Jhunjhunu District) —

Holding	Zawalgh		Pawalgh		Khalgh		Khalgh		Total	
	N	A	N	A	N	A	N	A	N	A
Up to 10	14	57		4	1	8			17	71
11—25		407	5	7	1	15			6	679
26—50	53	19	7	23	4	161			64	2371
51—100	3	54	8	31	7	53			10	133
101—200	77	1118	17	25	5	909			99	14014
201—300	4	13	9	24	5	13			6	1274
301—400	21	700	10	35					31	104
401—500		933	1	407					24	13
501—1000	4	9107	1	14517					4	3494
1001—5000	5	105	17	4901					63	193
5001—10000	4	40	5	309		13717			11	6
Over 10000		836	6	260303		1581		441691	1	107167
	409	2756	109	471554	30	16380		441691	4	137

NOTE — ( ) After the formation of the Panchpana by the subdivision of the holdings of Sardul Singh and of Sardul Singh's son named Akhey Singh and his wife. Instead of the share being divided equally between the four brothers it was partitioned between the three of them on the death of the fourth — Zawal Singh's share was taken by another wife butting a part of Akhey Singh's share. Hence the above figures are in the above table.

( ) The same are in Bhas.

21 The table below gives the abstract of the above figures to illustrate the percentage of the holdings in different categories to the total area —

Bhas	N	Area	Percentage of total area
Up to 500	404	5967	4 per cent
501—1000	47	3464	3 per cent
1001—5000	69	1473	11 per cent
5001—10000	11	796	6 per cent
Above 10000	17	1033167	76 per cent
	548	1357807	

22 Inam — This is a rent free grant for services rendered to the Government and is not subject to the failure of lineal heirs.



single lifetime only The Inamdar cannot sell the land so held by him but he can mortgage it

3 *Service Grants*—They go under various names such as *Pasuta*, *B. Tankha*, *Huzuri Chakran* etc. These terms connote that lands are held in return for services whether as grant from the State or the Jagirdar. The grants are to be resumed when the holder ceases to render the service or his service is no longer required.

4 *Permanently quit rented estates and lands*—These are denoted by the term *Dumra Chukota Suba* and *Istimrari*. Of these the *Istimrari* more attracts some attention. The largest number of *Istimrari* estates in Rajasthan lies in Ajmer and Marwar which areas are outside the scope of this report. The original tenure of *Istimrari* estate in Ajmer is exactly like the *Jagiri* in Rajasthan. None of the *Istimrari* estate ever paid revenue till 1700 but were held on condition of military service. As it did not suit the Marhatta system to exact military service from estate holders they assessed a sum upon each estate which presumably bore proportion to the number of foot soldiers which each estate holder had up to that time. It was required to furnish. Under British rule the estate holders were made to pay an annual fixed and permanent quit rent and were converted into *Istimrari* holders.

Under different circumstances *Istimrari* tenures appear to have arisen in the Jaipur State. In 1931 an enquiry was held on land tenures of the Thakaneswar Jaipur State by Mr C. U. Will, retired member of the I. C. S. After examining all the available material Mr Will put forward the view that a greater portion of the modern Jaipur State assumed its present form by the policy pursued by Maharaja Sawai Jai Singh. His original patrimony round about Amer was not extensive. Sawai Jai Singh expanded the State by the farming system which was a promise of the Mughal system at the beginning of the eighteenth century. In view of the important position he held as a Governor under the Mughals he took a lot of land in the farming system and added it to his Jagput clan in the Jaipur State. The list of Sawai Jai Singh's Jagput estates shows that by this means he occupied an enormous extension of the territory. The extent of the present limit of the Jaipur State points to the fact that the enquiry, namely the territorial growth of the modern Jaipur State was altogether distinct in character as it was distinct in origin from the Jagput conquests which were the usual methods in early days of expansion in the Jaipur State and secondly that the development of the Jaipur State was a direct consequence of the decay of the Mughal power. And that development was taken over by Sawai Jai Singh. When he returned to the task of administration in 1701, he was a guest from the Mughals by means of these Jagput estates he distributed them among the subordinate Jagirdars. Naturally in settling his subjects of the Jaipur State, he was not without a definite reference for men of his own clan. With a few years we find the Shikharwats planted in the north in what is now known as Shekhawati to the exclusion of the earlier Muslim Qumkhani holders while the Hary of the south with whom Jai Singh was on enmity were replaced by the Narukh of the north of the Hachawats. Khundia and Udaypurwats were already in his hands and Sawai Jai Singh was content to let them undisturbed on their accepted terms.

26 From the examination of State records Mr Will states that Sawai Jai Singh obtained Jagput estates from the Mughal authorities for the Panchpura Singhana area. He again obtained five of the five Mahals of Jhunjhuna etc. from the Nawab of Marwar and gave out these five Mahals to a number of sub-tenants, one of whom was Sardul Singh Shikharwat and subsequently this sub-lease was divided equally among the five members of Sardul Singh. This is the origin of the formation of Panchpura in which are included all the important Thakanas of Shekhawati.

27 The tenure of the family of Sikar which first obtained farming rights was derived from a permanent lease (Jagput *Istimrari*) between 1703 and 1700. The same

ent of Rs 10 000 was imposed and these figures can be traced back to 1792 and since then this amount is still the basic figure of assessment for the main portion of the Sikar estate. It may be recorded as a remarkable fact that there has been no variation in the ultimate figures underlying the revenue demand for this tract of country for over 200 years. Mr Wills strenuously contests the views of Lyall and holds that Shekhawati was conquered and a civil settlement of Kachwahas took place. He argues that any such pretensions on the part of the Thikanedars of Shekhawati are singularly inappropriate to a class of tenure holders who first came into existence as subordinate Jiridar during the break up of the Moolhul power.

38 The estate of Khindel and Unwara are also described as Istimrari.

### **Madhya Bharat**

39 Mention has been made previously of the Guaranteed Estates recognised in the Settlement of 1818. The British became the guarantors of the conditions granted to those chiefs but subject alone to those guaranteed conditions the chiefs of this class were regarded as being under the authority and subordination of their Maharattas or Roids. In 1818 the guaranteed states in the Gwalior territories passed more fully under the control of the British but it was understood that the conditions guaranteed by the British would continue to be respected by the Maharajas of Gwalior. With the withdrawal of British paramountcy on August 15, 1947 the guarantees of these estates must be deemed to have lapsed. By such lapse these estates did not however become independent entities in the polity of Central India. They are regarded as Jagirs or assignments held in the territories of the Treaty Princes in which they are situated. This is a point which has been highlighted by the Thakurs of Multhan and Kachhi Baria who claim that on the 15th August 1947 they became independent entities and that as such their right to accede to the Union of India is a separate State should be recognised. There is no substance in this contention which they have submitted to our Committee. In any case their position is finally settled by the definition of Puler in Article 305 (a) of the Constitution of India.

30 In addition to these guaranteed estates there remained from the period before Mahratta invasion a number of Pajput chiefs who had been completely subdued but whose holdings of few villages here and there were recognised as assignments subject in most cases to a payment of tribute. The first category of Jagirdars in Madhya Bharat therefore consists of this great group of pre-Mahratta Pajput chiefs whose pre-existing possession of the villages entitling them to the revenue of those villages subject only to the payment of certain tributes were recognised and confirmed by the Mahratta powers.

31 The next group of Jagirs in Central India comprises of assignments made by the Mahrattas to the leading warriors in the camps out of the conquered lands. These jagirs contain a condition of continuing service to their overlords. They are usually held on personal service tenure called *Saranjam* and a century ago every such Jagirdar was bound to support his chief when ever called upon to do so with a quota of horse and foot called *Zabta*. This service obligation has everywhere now been commuted into a money payment.

32 The third group of Jagirs consists of rewards granted to high officials of the states for service rendered or to the cadet members of the chiefs' families for their support and maintenance. These Jagirs do not necessarily involve any condition of continuing service.

33 Then comes a smaller class of assignment known as *Muafis* or land given as the name implies as a free grant. When such grant is made for the support and maintenance of a temple it is known as *Devasthan Muafi* where it is given to priests or other holy persons or sacred institutions for their maintenance it is known as *Dharmadaya Muafi*.

34 Another group consists of the Chalanu Muafi which are small allotments made to palace servants personal attendants of the chiefs pensioned sepoys other persons of a humbler rank who had rendered devoted and meritorious service.

35 In certain cases when it is not possible or convenient to assign a piece of land when creating a new Jagir or when the new Jagirdar is not in a position to look after an outlying Jagir which is said to be conferred on him the cash value of the assignment proposed is made payable to the Jagirdar. This gives rise to the class of Nannookdars or Cash Jagirdars.

36 Another separate class of Jagirdars can also be distinguished among the land holders of the pre-Mahratta days who had conferred their holdings over on whom a permanent fixed quit rent alone was fixed. This quit rent or fixed due is a nominal assessment not related to the income from the holding but with the condition of confirmation of grant the amount is invariable. This class of persons are known as Istimrardars.

37 Jagirdars in the old days were chiefs who not only maintained their own armed retinues but also small units of armed forces. Through the delegation to them of almost all administrative powers in their respective jurisdiction they exercised almost semi-sovereign powers. The powers of the Jagirdars tended to increase inversely in proportion to the power of the central authority. There were obvious dangers inherent in such a system. After the settlement of 1818 the authority of the governments in all the States however showed a steady increase and it was possible for the ruler of a State to exercise his power more effectively throughout his territory. It was also possible gradually to bring more and more system into the confused mass of the Jagirdari system in other fields of administration. A consolidation and reform of the laws customs and rules applicable to Jagirdars then steadily went on. The rights of Jagirdars to levy customs duty and maintain their own excise or Abkari arrangements were gradually extinguished though the proceeds from these sources were commuted to fixed annual payments. The judicial powers of Jagirdars were more carefully defined and their law courts placed under the appellate jurisdiction of higher courts in the State. Though no formal laws were promulgated defining the rights and obligations of Jagirdars manuals were drawn up in the States defining them. The orders usually as constituting a body of orders issued by the Ruler of the State had all the force of law. Provision was made in these orders for the conduct of Jagirdars in order for rules to be observed in cases of adoption and succession. Provision was also made in the larger States for taking over of management by government directly of the estates of delinquent Jagirdars.

38 In this process of consolidation and reform the differences between one class and another of Jagirdars which were purely historical in origin were gradually obliterated. Jagirdars of different groups but having at the present time the same rights and obligations now classed together. One more new classification which has come out in many of the States is worthy of note. According to this classification Jagirdars are defined to include only those holdings an entire village or several villages and the term Jagirdar was no longer applied to the smaller classes as ignees who hold only a few plots or holdings.

39 In this process of consolidation of the rules relating to Jagirdars another significant development occurred. Many States particularly the Gwalior Sanads and title deeds of all Jagirdars. Where such title deeds were found defective it was obvious that the Jagir was liable to immediate resumption. Out of respect however for the rights which may be taken to have accrued by all such Jagirs with defective titles were not actually resumed. The tribute (Tankha) was revised and fixed at half the revenue of the Jagir. These Jagirs classified as those assigned under Jadid Usool.

# PTER VI.—GENERAL DESCRIPTION STATISTICAL AND OTHER DATA REGARDING JAGIRS

sthan.

1 The United State of Faja than (or Rajwara the abode of the Princes) been formed by the Union of 18 States of the former Rajputana Agency but nding the State of Sirohi and the centrally administered area of Ajmer Merwara ut 70 000 sq miles of the area of the western part of the Union comprises of the her States of Jodhpur Jaisalmer and Bikaner The total area of Rajasthan is 236 sq miles with a population of 1 30 81 183 The Union has been divided 5 divisions 24 districts and 77 sub divisions The population by the adminis ive divisions is as below —

D v s n

Populat n (1911)

Udaipu	6 53 033
J pu	53 36 991
B kan	1 9 938
Jodhpur	6 49 150
K t h	11 49 071
T tal	1 30 81 183

2 As traced on the map Rajasthan is an irregular rhomb its salient angles to north west south and east respectively being joined by the extreme outer boundary lines of the States of Bikaner Jaisalmer Banswara and Dholpur It is bounded on the west and north west by Pakistan and on the north and north east by East Punjab Its eastern frontier marches first with the United Provinces and west with C wajor while its southern boundary runs across the central regions of elia in an irregular zigzag line

3 The Aravali Hills ( Paripatra of the Vishnupurana) intersect Pajasthan most from end to end by a line running north north east and southwards Thus e divides the sandy country of the north west from the kindly r soil of the south et and roughly speaking about three fourths of Rajasthan lies north we t of the avals leaving one fifth on the south east The Aravals may be aid to repre ent coastline partly fenced in by high cliffs and partly an irregular shore pierced by bays d inlets against which the sea of sand blows up continuously from the shelving ans of the west

4 The character of the north west region is the same everywhere It is covered y sand hills shaped generally in straight long ridges resembling the rippled marks a sea shore upon a magnified scale Their summits are blown into wave like curves y the action of the periodical westerly winds The villages within the de rt cannot e reckoned as fixed habitations for their permanence depends entirely on the sup y of water in the wells which is constantly failing or turning brackish and as soon the water gives out the villages must shift The cultivation is everywhere poor and ecarious Along the base of the Aravali range the sub montane region is well ultivated wh re it is not covered by jungle

5 The second main division of Rajasthan south east of the Aravals is a higher and more fertile region It has however a very diversified character It contains xtensive hill ranges and long stretches of rocky woodland it is traversed by con siderable rivers and in many parts there are wide vales fertile table lands and great readths of excellent soil The eastern plateau of Rajasthan which includes Kotah and Bundi States falls very gradually into the Gwahor country and the catchment f the Betwa river North west of Karauli the country smooths down and opens ut towards the Bharatpur territory whose flat plains belong to the alluvial basin of ie Jumna

6 In the north western division of Rajasthan the only river of any significance is the Luni. The south eastern division has a river system of importance. Chambal is by far the largest river in Rajasthan flowing through the province about one third of its course and forming its boundary for another third. Its principal tributary Banas which is next in importance to the Chambal is throughout of 300 miles a river of Rajasthan.

7 Excluding the comparatively fertile regions of Marwar along the bank of the Luni river the country to the west north and north west of the Aravalli comprising the whole of Jaisalmer Bikaner and Shekhawati and most of Jodhpur is a vast sandy tract. Water is far from the surface and scarce. People have to depend for their supply of grain almost entirely on those grown in the rainy season which in this area is of a very uncertain character. In the eastern half of Rajasthan agricultural conditions are very different. The rainfall is heavier and more regular. Except in a very few parts two crops a year are the rule and not the exception. The most important irrigation system is the Canganagar Canal of Bikaner and the waters of the Sutlej have transformed desert life and nearly eight lakhs of acres are being irrigated by this Canal.

8 In Chapter IV a description has been given of the clan organisation among the Rajputs. The Rajputs form a small minority of the population throughout Rajasthan. They hold the land to a very large extent either as receivers of revenue or as cultivators. The tradition of common ancestry has preserved among them a feeling which prompts a poor Rajput yeoman to hold himself as good a gentleman as the most powerful landowner of his own clan. But as a race they are inclined to too much on the one hand to consider any occupation other than that of arms government as derogatory to their dignity and the result is that those who do hold land have rather dropped behind in the modern struggle for existence.

9 The statement below shows the percentage of Rajputs in the population of certain Rajput States in juxtaposition with one of the most numerous castes or tribes.

State	Rajput	Hindu	Brahmin
Bikaner	510 (6)	1,114 (3)	
Jaisalmer	1,12,781 (4)	3,12,600 (1)	
Marwar	1,67,874 (9)	87,111 (13)	
Bikaner	7,418 (4)		1,44,155 (61)
Jodhpur	1,114 (4)		1,33,000 (54)
Marwar	1,414 (8)		16,971 (14)
Jaipur	336 (4)		9,441 (38)

NOTE: The figures are for 1931.

10 Our enquiry has been considerably handicapped by the absence of reliable statistics and data on several important matters relating to Jagirs. There are practically no statistical compilations published by any of the States. In the absence of survey and settlement operations there is practically no information relating to the agrarian conditions in the Jagir areas. The statistics relating to number of Jagirs are also incomplete.

11 No statistics of any kind are available for the State of Jaisalmer.

12 It was found impossible to obtain any kind of statistical information in following cases—

- Extent of alienation of land in favour of sub-proprietors and family members.
- Details relating to Bhumi-hari tenures in Mallani and Udaipurwati.
- Cash income of the Jagirdars.

- (d) Approximate total revenue realised by the Jagirdars in Pajasthan.  
 (e) Details of the plot proprietors of Charitable and other Grants and their income  
 (f) Incidence of land revenue in irrigated and unirrigated tracts in the Jagir areas  
 (g) General agricultural statistics and other relevant data relating to agrarian conditions  
 (h) Total area of the Zamindari tenure and the revenue paid to Government

13 The following table shows the distribution of the total area and the villages in Rajasthan between (a) Khalsa and (b) Jagir —

D i v i s i o n	A r e a s		V i l l a g e s	
	Khalsa	Jagir	Khalsa	Jagir
Udaipur	7 46	10 563	3 038	5 900
Jalpur	1 379	1 57	5 600	4 6 6
Bikaner	8 17	15 000	1 504	1 564
Jodhpur	14 013	36 979	1 149	3 87
Kotah	7 9 0	1 991	4 047	903
	50 1 6	77 110	16 638	16 80

Statistics are not available to show the distribution of population between the Khalsa and Jagir areas

14 The following statement shows the tribute paid by the Jagirdars in Rajasthan —

D i v i s i o n	T r i b u t e
Udaipur	5 4 764
Jalpur	9 0 0
Bikaner	18 6 1
Jodhpur	8 00 958
Kotah	51 417
T o t a l	44 98 78

NOTE.—In Bikaner Chakri and Nakhad

15 The following table gives the detailed classification of Jagirs according to tenures —

D i v i s i o n	Raj	Jagirs of service	Jagirs of private	Bharmahara	Lim	Charitable Grants (of all descriptions)
Udaipur			3 00			
Jalpur	8	48	1 49	3	58	467
Bikaner	4	150	473			16
Jodhpur	0	119	1 36	346		6 1
Kotah	35	70				93
T o t a l	107	8 4	6 963	5 8	58	1 343

The figure for Udaipur are approximate

† The total Tributed Revenue of Marwar, Bikaner, Pajasthan, Haryana and Madhya Pradesh

‡ Figure not available

The above table relates only to whole villages. There are no statistics of holdings or plots held under any of the above tenures.

- 16 Some of the fiscal powers still enjoyed by the Jagirdars are set out below
- Excise Opium and Customs Compensation**—In almost all the divisions principal Jagirdars are paid Excise, Opium and Customs Compensation. Excise compensation is paid in cash and in kind also. In Bikaner some 38 800 bottle of liquor are given to the Jagirdars at a concession rate and in other units payment is made in cash. The figures for these compensations come to Rs 3 04 227
- Salt Compensation**—This is also paid to the Jagirdars in all the divisions of Rajasthan. The approximate amount comes to Rs 21 097 the figures for Udaipur and Jaipur divisions not being available
- Patta Fee Nazarana and Mohrana**—Excluding Kotah and Udaipur divisions Patta Fee Nazarana and Mohrana for sale or transfer of land for official purposes are being charged by the Jagirdars
- Mines**—In Jodhpur division some of the Bhomichara Jagirdars of the division are given Rs 2 877 as compensation for Mines. In Jaipur some of the Jagirdars enjoy rights of minor minerals
- Mapa or Sale Tax**—Mapa or Sale Tax is still levied in Bikaner Jaipur and Jodhpur divisions
- Cattle Pound and Koli Compensation**—In Jaipur Rs 1 192 as Cattle Pound Compensation and Rs 1 308 as Koli Compensation are being paid in the division. In some of the divisions Jagirdars still maintain cattle pounds of their own
- General and Forest Compensations**—In Jodhpur division Rs 1 194 for General and Rs 2 14 for Forest Compensations are given to some of the Jagirdars

Madhya Bharat

Chambal which is the most important river of the State rises near Indore and flows north west and then changes its course to north east and then to east to join the Yamuna. A number of smaller streams rising in the south of the Malwa plateau scour the plateau and flow down to the northern plains as tributaries to the Chambal.

22 Irrigation is little resorted to in the Malwa plateau. The soil is however highly retentive of moisture and the ample rainfall during the south west monsoon enables good rabi crops to be raised. Irrigation in the northern districts is also poor though certain minor irrigation works have during the last two decades been constructed in this area. Cultivation in the northern districts is much more dependant on irrigation because of the low sandy nature of the soil.

23 The distribution of the population in the State is extremely uneven. In the north the three districts of Bhind, Morena (without Shikharpur subdivision) and Gwalior (northern half) are almost as fully populated as districts in the United Provinces. Districts in the heart of Malwa are fairly well populated even though much less so than the northern districts. In the Narbada valley the district of Nimar has a fairly high density of population. This leaves out two important areas namely the areas along the Vindhyan ranges and the central districts of Shivpur, Guna and the adjoining tracts. The Vindhyan hilly region is covered with forests and is not likely to be populated in the near future. Land reclamation on a vast scale is however possible in the districts of Guna and Shivpur. Attempts to settle new colonies of agriculturists in this area have met with little success so far. Perhaps only a large scale change in conditions such as that which may be brought about by the completion of the Chambal project can attract new colonists to this area.

24 Three statements are given below showing the distribution of Jagirs according to —

(a) the class of Jagir

(f) the caste of the Jagirdar and

(c) the area, population etc. of the Jagir

(1) Statement showing the distribution of Jagirs according to class

Sl. No.	Name of District	Jagirdar	Intermediate	Tank & Mufti	Mahadwar & Inamdar	Mahadwar & Inamdar	Land Revenue	Others	Total
1	Gwalior	75	7	0	61	18	5		11
2	Ujjain	11	114	9	51	3	40	69	618
3	Indore	3	7	191	68	1	13	177	500
TOTAL		10	1	0	180	33	8	71	139

(b) Statement showing the distribution of Jagirs according to caste of Jagirdar

Sl. No.	Name of District	Mahadwar	Rajput	Brahmin	Kshatriya	Vishva	Moslim	Mahant	Others	Total
1	Gwalior	14		55	9	3	9	33	8	11
2	Ujjain	4	433	54	9	6	35	35	30	66
3	Indore	54	10	137	14	5	16	"	34	49
TOTAL		0	0	49	3	14	60	90	72	139



( ) Summary of population of the Jagir in Madhya Bharat

Sl. No.	Name of District	Number of Jagirs	Number of Villages	Population	Area in sq. mil.	Income of the Jagirs in Rs.	Revenue of the Government in Rs.
1	Coral	11	164	330,005	34.1	18,63,76	1,80,55
2	Ujjain	614	1,097	3,89,111	994	8,38,50	7,07,945
3	Indore	90	1,10	4,58,716	934	6,84,337	94,838
TOTAL		135	4,49	11,45,372	8,419	73,86,67	11,87,088

Certain further and more recent changes which have been introduced in the status and powers of Jagirdars as a result of the advent of popular government in Madhya Bharat must also be briefly noticed. In the Gwalior State a responsible Ministry was formed in January 1944. That Government naturally supported the view that the existence of quasi-independent administrative and judicial in the hands of Jagirdars constituting an imperium in imperio was an anomaly and had to be done away with immediately. On May 24 1948 that is to say four days before the formation of the United State of Madhya Bharat an Ordinance was promulgated by the Maharaja of Gwalior by which the Jagirdars ceased to have the powers conferred by the provisions of the State of Madhya Bharat Ordinance. After the coming into being of the State of Madhya Bharat under the authority of the Jagir Ordinance to the whole of the Government direct. The power of the Jagirdars to use coercive processes realisation of arrears and revenue due to them from their own peasantry was done away with. The next step in the reforms came with the promulgation of the Madhya Bharat Maintenance Ordinance which was converted into an Act of the Legislature. This placed the revenue officers under the Jagirdars and more particularly the Patwaris of the villages under the jurisdiction of the State Government. Hereafter all village maps and village land records maintained by the Patwaris became State records as in the villages of this State. This is now true of the whole of Madhya Bharat except in a small tract consisting of the old covenanting States of Muzaffarpur Mathwara and Kathiwara where there has yet been no survey and tithe records have not been compiled. Then followed the Scheme of Madhya Bharat Maintenance Ordinance which empowered the Government of Madhya Bharat to take over under direct Government management the Jagir situated in the whole of the State and even Jagirs situated outside the area of the Ordinance was subject to the Government with slight modifications enacted as a Pajjramu Act. This enabled the Government to take over the management of the Jagir in the scheduled areas only. Under the rules made under this Act of 1948 in the scheduled areas only the Government have been further empowered to make certain public purposes such as the maintenance of schools and hospitals before deducting the net amount payable to the Jagir. The result of all these reforms during the past year and a half has been to deprive the Jagir of all administrative powers in the villages and to reconvert the revenues of the Jagir villages and no more.



6 In the State of Jhalawar limited Zamindari rights have come into existence only recently. Originally a system known as Watandari prevailed which was more or less a Thek system under which the State revenue used to be fixed for a period of three to ten years. Subject to this periodical revision the Watandari rate was hereditary and transferable and not lost by absence and they were held responsible for the payment of the State demand and arrange among themselves for cultivation of the village lands and the distribution of the revenue. But at the time of the settlement the Watandari system was converted into Zamindari.

7 In villages of Jaipur there are Biswedars who are more or less akin to Zamindars elsewhere. A noticeable feature about them is that they are comparatively small holders and are really peasant proprietors for all practical purposes.

### Madhya Bharat

8 In Moghul times practically the whole Province of Malwa was surveyed and the village records were kept in the offices of the Pargana Zamindars and Chaudhans. Every village had its own officer called Mandoli Chaudhari or Zameindar. The Zameindar of the Pargana was a sort of government official and was given some Bannkar lands in lieu of his services. He also used to receive four to five per cent from the village revenues as Dami. He was expected to maintain law and order and had to maintain a number of bawars for this purpose. The village records remained in the office of the Chaudhari and the Zameindar had supervisory power over him.

9 When the Mahrattas first came to Central India they found in existence the Moghul system of land revenue though in a state of rapid disintegration. The territorial nature of the times prevented the new Mahratta generals from setting up their own system of direct administration. Apart from the land the revenue of which was fixed by way of various assignments there remained vast tracts of country which remained in the hands of the Moghuls. The Moghul system of collecting revenue from Khalsa villages was not very effective. The employment of a host of governmental officials to collect the revenue was found to be much easier and more convenient in view of the great distances to be traversed to farm out the revenues of the villages. Farmers were put under the title of Kamadars or Jharidars were appointed to individual villages for a fixed period. The Thekas were however not given in the beginning for a fixed period of time or on a hereditary basis. Contracts were made for the term of ten years and after every ten years they were renewed. The entire management of the areas allotted to them was left to him and the farmer was responsible only for paying the sum agreed upon.

10 What has been mentioned so far that Madhya Bharat had through centuries been a great battlefield between the Northern India and Deccan. It was not only a highway for men and materials but also for ideas. As the States in Central India began to gradually build up their own administration after 1818 the system of Jharidars or Thekas was found to be inefficient. As the machinery of the government became more efficient and more effective the necessity of farming out the revenues of individual villages was felt. It became possible to collect the land revenue through direct payment to the State. In the Indore State and in practically all the other States of Madhya Bharat the system of tenure very akin to the Ryotwari tenure of the Deccan was adopted. The only difference between the Ryotwari of Central India and that of the Deccan was that the peasant was not given the right to transfer his land. The entire management of the revenue however became one between the peasant and the State without any intermediary.

11 Thus in Central India where the hills are in the north and the plains are in the south however the land revenue system was different from the Deccan and was much more affected by the British. It is generally held that the British introduced the Ryotwari system in the Central India. The number of Zamindari villages in States other than Central India is so small as to be negligible.

12 Towards 1840 the farm system in Gwalior began to be converted into the zamindari system. Regular written leases were issued to Zamindars. Greater control was however exercised over them by their being asked to submit careful accounts of their engagements with tenants and collection. The leases again used to be renewed when they expired. The power to lease out land and make engagements with the tenants was however left with the Zamindars. In 1853 the position of the Zamindars was further entrenched and clarified by the framing of rules by the Gwalior Government. In 1863 a settlement was made of these Khalsa Zamindari estates and where existing Zamindars declined to engage on the terms settled by the settlement officers the engagements were offered to other persons who were called mustajars to distinguish them from Zamindars. A time limit was given to the zamindars in such cases to accept the engagement but where Zamindars did not exercise this right within the time limit Mustajars were confirmed as the Zamindars in payment of a Nazarana of two years' land revenue.

13 The rights of Zamindars in Gwalior State were evolved during the sixty years following 1853. The Zamindari tenure was formally recognised in law for the first time in 1853. The custom of renewing leases of the farmers gradually conferred hereditary rights upon them. But that conferred on the Zamindars no right of transfer. Later however the rights of mortgage and transfer were conferred on them under certain restrictions one of which was that the transferee should also be a subject of the Gwalior State. These restrictions were again gradually relaxed so that the Zamindars stand forth today with full rights of inheritance and transfer. There is little doubt that this evolution was inspired by ideas flowing across the border from the U.P. The system now existing in the Khalsa villages of Gwalior is practically the same as that in the U.P. Villages are partitioned into Mahals and in many villages bodies of proprietors are now jointly responsible for the payment of the land revenue. Where instead of single zamindari there is joint zamindari Pattedari or Bhai Mahara regular Lumkardars are also appointed to represent the proprietary bodies and to be primarily responsible for the payment of land revenue. Above all transfers of Zamindari for valuable consideration have been frequent in the recent past and quite a new body of Zamindars who have bought their rights for hard cash has come into existence.

## CHAPTER VIII—LAND RECORDS SURVEY AND SETTLEMENT

## Rajasthan.

1 The first survey and settlement operations in Rajasthan were undertaken in Alwar as early as 1872 and other States followed suit sooner or later. Survey and settlement operations have now been completed in the Khalsa areas of States with the exception of Khetwar, Shahpura and Jaisalmer. In Khetwar and Shahpura the work is in hand and is in the final stage of assessment. No consideration has yet been given for Jaisalmer which has a vast sandy desert area of 150 sq miles. On account of the sparseness of population abundance of land and certainty of cultivation rights of land do not carry much value in Jaisalmer.

2 For a long time there was considerable reluctance to extend the survey and settlement operations to Jagir areas particularly in the bigger States. Jagirdars have resisted any encroachment of the State authority in the matter for a number of decades. Earlier when Settlement Officers were deputed to some of the principal States in Rajasthan the Government of India directed them to carry out the settlement operations only in the Khalsa areas, the Jagir areas being specifically excluded from such operations. In Jaipur a cautious approach to survey and settlement in Jagir areas was made by extending the operations to the Jaipur and the Court of Wards or where the Jagirdar voluntarily desired settlement. It was only in 1918 that Jaipur embarked upon a heavy programme of survey and settlement throughout the Jaipur area of the State. Survey and settlement operations in the Jagir villages of Udaipur were taken up in 1934 and in Jaipur, Bikaner and Jodhpur though the surveying and settling of Jagir areas has been going on for a long time but the pace of progress has been very slow. In the Jaipur area the part of the Jagirdars in the initial stages of the settlement operations in part of Shekhawati and Udaipur with the exception of Jaipur have often enjoyed the operations. In some instances the operations have been left to the Jaipur area only and more often far and

3 The present position regarding survey and settlement in Jagir areas in Rajasthan is that out of 80 Jagir villages 40 have so far been surveyed and settlement operations have been completed in the Jaipur area. In terms of area the percentage of the work completed is 15 to 16 i.e. 13-14 sq miles out of 70-80 sq miles. In Khalsa 30% of the area has been settled and completed. Out of the total number of villages 40 settlement operations are in progress in the Jaipur area with an area of 15 sq miles. This still leaves villages with an area of 30 sq miles where settlement operations have yet to be initiated. A large state in the Jaipur area of 150 sq miles in both Jaipur and Jaipur under the state of settlement and survey in each division is given in Appendix I and II. The following is the list of the Jagir areas —

Sl No	Name of Division	Particulars	Y l l g s	A	V illa	A r a	V l l g s	A r e a	W o r k n o t t k e n u p	A a
1	Ud pur	Kh l Non Kh l T t l	3038 5900 8938	746 1060 18096		14 750 5044	5814 4736 1030	10 1081 1890	375 615 2990	1478 318 4606
J pu		Kh l N l h l T t l	6600 466 116	133 12 441	2109 8389 1804	11075 17910 8317	399 1907 1061	104 4568 9378	5 91 13	100 33 108
2	Bk nec	I l l s N n l h l T t l	1504 164 3388	8317 15000 3317		8317 8317 14013	8317 9378 198	16 16 1407	135 1131 302	108 108 8815
4	Jodhp r	I h l No Kh l a T t l	1149 3737 4386	14013 35979 50301		8 61 905	61 5849 696	1407 197 33	302 600 417	9036 37851 1084
5	I o t l	I h l N K l l a T t l	4047 903 490	7950 1901 1341		3250 430 344	696 430 7080	197 33 430	600 417 760	991 1084 075
	Total	I h l N n Kh l	16638 16780	5016 7110	14358 544	36800 1373	808 604	194 519	14 5284	11384 37819
	G and Total		33416	1736	181	50573	6850	7460	6756	4903

4 We have been given to understand by the Settlement Commissioner of Jaipur that having regard to the magnitude of the work and the practical difficulties involved it will take at least another seven years for the completion of the settlement operations. He estimates that this will entail an annual expenditure of not less than Rs. 5 lakhs. His estimate is based on the assumption that special arrangements would be made for training the staff and that the requisite staff would be forthcoming. Our own expectation is that it will take at least ten years to complete the work.

5 So far as Khalsa is concerned the revenue position is satisfactory. Settlement operations in this area largely took place when the prices of agricultural commodities were very low and consequently the incidence of revenue in view of the present prices is very light. Land records are properly maintained. These records of Khawat, Khawara, Khatuni, Jamabandi, maps, Dasturgah, and Berawar and follow the standard pattern as in other settled areas. They do not call for any special comment. The tenant has his rights defined and secured and there is no whole lot to complain for him to complain.

6 Conditions are quite different in the Jagir areas. In the vast unsettled portions of Jagir areas the tenants suffer from the absence of regular record of rights. There is no protection for them against the constant inroads that are being made by the landlord on their rights. In all the settled villages of Khalsa and Jagir areas there have been evictions on the maximum basis of one third for unirrigated and one fourth for irrigated lands.

7 In all the settled Khalsa villages the revenue is realised in cash through the agency of the revenue staff who are designated as Huzardars in Jodhpur, Dildar in Udaipur and elsewhere by different names under the supervision of the Talukdar. The collected amount is remitted into the treasury by the Chowdharis or Talukdars. In the Zamindari areas rent is collected by the Beldars and is remitted into the Treasury through the Zamindars. In the settled Jagir villages the revenue is realised by the landlords through their own staff but very few of them maintain any trained Patwari. Except some of the bigger Jagirdars the majority of them do not print their revenue receipts.

8 When the landlord's share is taken in kind as it is done in the unsettled Jagir areas it naturally exceeds the basic share in the Khalsa or settled areas and some cases amount to even half of the produce. In the vast unsettled areas the revenue is in kind. The system is fraught with many disadvantages and is liable to constant friction and strained relations between the tenant and the landlord. In the settled villages (Jagir and Khalsa) the following systems are in vogue—

(i) *Lati*—The share of the produce on the threshing floor.—All the grain after threshing is stacked and the landlord's portion is taken in kind in the spot having been duly measured or weighed. On an average it is paid for months or even in considerable demands. The practice is not a very good method in many places led to friction and disputes between the landlord and tenant.

(ii) *Kumta* (agreement of the standing crop)—The same process as the one with this difference that the landlord's portion of the produce is taken in kind in the standing crop without weighing the produce before measurement. This is an unpopular mode and is a source of frequent dispute and friction.

(iii) *Kankar Kuti*—The total amount of the produce of the harvest is calculated and the tenant's share is standing and the landlord's portion is taken in kind in the standing crop on the strength of that calculation.

(iv) *Mukata*—A fixed rate per bhis in cash is realised from the cultivator. This is a very fair method for different kinds of produce.

(v) *Gugari*—A fixed amount of the produce in kind is received generally well liked.

(vi) *Crop or Zait*—This is used on maize, cotton, chilies and other crops and similar money crops which are difficult of division.

(11) *B ej Gugri*—Under this system a quantity of the grain equal to the seed is realised from the tenant. This is a very light rent and is generally realised on poor holdings.

9 Statistics of rent levied in kind are not available. Broadly speaking it may be stated that the landholder's share in unsettled Jagir areas vary from  $1/11$  to  $1/2$  in different tracts of Rajasthan. In the western half of Rajasthan which is more or less sandy the share largely ranges between  $1/3$  and  $1/4$ . Reliable statistics regarding the incidence of revenue in Jagir areas are not available. The revenue rates vary from one group of villages to another and in certain places from village to village and possibly within the village itself. Since the Jagirdars' share in kind has remained the same while the prices have abnormally gone up the Jagirdars' share in cash value has gone up in the same proportion as the rise in prices. Wherever revenue is in kind the incidence is bound to be much higher as compared with Khalsa rates and may safely be taken to be as high as four times the incidence in Khalsa or cash rented areas in Jagirs.

### Madhya Bharat

10 All the areas of Madhya Bharat excepting those covered by the covenanted States of Alirajpur, Mathwar and Kathiwar and a few other small areas (totalling about 2000 sq. miles) have been duly surveyed and settled. Every mauza has a properly drawn up map giving each plot a definite survey number. The maps are mostly on 16 to a mile scale though the scale is different in some of the areas. As further revision of settlement takes place scales will everywhere be made uniform. Every village has also a Patwari and the Patwaris are all grouped into Circular Kanoongo circles. By the Jagirdari Land Record Act the Patwaris in the jagirdari villages have now also been converted into government servants. In all the villages proper village records are being maintained including Khasra, Khatoni, Jamabandi and Siah.

11 Throughout this area proper settlements have been carried out in the past. Detailed soil classification has been carried out and the soil classes as well as the irrigability of every survey number is known. Settlement rates have also been fixed for those for tenant in the Zamindari area and for the pattedari peasants in the Pottwari area. The rate when fixed varied between  $1/6$  and  $1/10$  of the gross produce though in the present state of high agricultural prices the proportions are much smaller. Cash rents prevail practically throughout Madhya Bharat. The settlement rates have been fixed with due reference to the soil fertility, irrigation facility of community, proximity to market place, the condition of tenant and the agricultural prices. Even in the jagirdari villages the jagirdar is bound by law not to collect at rates higher than the settlement rates. Similarly in the zamindari villages the rents payable to the Zamindar are those fixed at settlement. The proportion of rent payable by the Zamindar's revenue is according to the law vary between 5% and 7% per cent. The maximum rates of assessment are rarely imposed and at present the zamindars pay only about 50 per cent of their receipts from tenants as land revenue.

12 In the settled tracts the revision of settlement has become due in many places but has had to be postponed either because of the war or the unsettled conditions following the war. One of the difficulties of raising the settlement rates now is the uncertainty regarding prices. The prevailing prices are extremely high and it would be very difficult to say at what level they may eventually be expected to settle down.

13 The revenue demand in the Alirajpur and Mathwar States is fixed on the basis of ploughs and according to the nature of the soil in different villages. An ordinary plough is expected to work about 10 bighas and the rate of land revenue varies between  $8/$  and Rs. 9/ per bigha. In the Kathiwar State the villages have been surveyed but settlement rates have not been evolved. The revenue demand is fixed on the Bihota system at different rates per bigha according to the kind of soil. Survey and settlement in these three States are expected soon to be taken.



## CHAPTER IX—TENANCY RIGHTS

## Rajasthan.

1 Elsewhere we have described the condition of the peasantry in a Ra State wherein all the territory with a few exceptions in favour of particular grantees has been partitioned out amongst the Rajput clans. Under the Rajputs are the cultivating classes mainly belonging to castes or tribes who in the Rajputs overcame they took possession and who now pay land revenue to their lords or their families living in village communities with their very few rights and privileges and being more than a rack-rented peasantry. That state of affairs has however been slowly modified during the last few decades with the progressive changes in the administration of the States. There are at present tenancy laws in all the integrating States except Jaisalmer. These enactments are however very conservative in nature as at best they seek to give some kind of legal shape or sanction to prevailing customs or practices which as usual differ widely from place to place. These legislations do not seek to introduce any form of tenancy or form or to secure to the tenants rights which have been denied to them in the past. Again no conscious attempt has been made to bring the rights of tenants in Jagir areas on a par with those of the tenants in the Khalsa or even to bestow on the tenants any rights better than what they actually possessed.

2 To this general statement there are however two notable exceptions. Namely the tenancy legislation passed by the Jipur State in 1947 and the Jodhpur Union legislation promulgated only a day before the formation of the Rajput Union. Both these legislations registered a considerable advance and tried to bring through the conservative ideas which hitherto restrained any such advance. Of the important steps which these legislations undertook was to confer on the tenant Khatedar or occupancy rights in respect of the lands in their occupancy at the time of the passing of the legislation. This was a considerable step forward since the large majority of tenants in Jagir areas could not have aspired for any such rights as a rule. Both legislations are useful in so far as they do constitute a limited advance but they still fall short in one essential respect in that they fail to bring the tenancy rights in Jagir areas exactly on the same level as in the Khalsa.

3 Appendix D summarizes the present position in regard to the tenancy rights at present existing in various parts of Rajasthan both in Khalsa and in the Jagir areas. The material makes interesting reading. There is considerable divergence in the rights of tenants and the nature and extent of their rights. Conditions of inheritance and of transfer are not uniform. Generally the right of inheritance is more common and easily acquired as compared with the right of transfer. Full rights of transfer are recognized in the following States: Jaisalmer, Jipur, Jodhpur, Banswara and Kishangarh and Kishangarh. In the other States, such as Bikaner, Jaipur, Kota, etc., the rights of transfer are restricted. In the Khalsa, the right of transfer is unrestricted. The payment of Nazaran is not necessary in the Khalsa but it is still required for the acquisition of rights of transfer in each case. For instance in Bikaner where the rule in this respect appears to be the most stringent, the tenant in Khalsa must pay 10 times the revenue as premium to become an occupancy tenant and even then his right of transfer is subject to the approval of the Government. A tenant in Jagir can have no rights of occupancy at all.

4 Another interesting fact which emerges from the Appendix is that there are a number of States where the tenancy rights both in Khalsa and Jagir are the same. This state of affairs obtain in Jodhpur, Kota, Banswara, Dungarpur, Shajapur, Kishangarh, Bundi, Tonk, Jhalawar, Karauli, Uwar and Dholpur. The principal States which have so far stood out in this respect are Bikaner, Jodhpur and

ch are still the strongholds of the Jagirdars. Jaipur of course stands in its own

5 For the sake of facility the principal classes of tenants in Rajasthan and their rights and liabilities in each case are set out below —

Class of Tenant	Liabilities	Rights	
		Inheritance	Transfer
Attadar Jaipur	Has to pay p. rem. um	Full	Full
Attidar Jaipur	Mere occupant	Full	Mortgage for 10 yrs
Bikaner	Hereditary samut holding of land and cultivation	Full	Nil
Jodhpur	Mortgage	Full	Transfer to tenant or third party
Fulltilt	Has to pay land	Full	Full
Bikaner		Full	Mortgage only
Shahpuri		Full	Mortgage only
Bikaner		Full	Transferable with the tenant's consent
Talukdar		Full	Full
Bikaner Jodhpur	Has to pay p. rem. um get B. P. Patt	Full	Full
Udaipur	Do	Full	Full
Bikaner	Do	Full	Full
Garkhda or Garbhadrasamant			

6 The question of Khudkasht is of particular importance. Khudkasht literally means home farm or land under the personal cultivation of the landlord or the landlord's son. In strict theory it means land which the landlord may be entitled to have earmarked exclusively for his own use and which the State would help him secure subject to certain conditions even if this should involve acquisition of land under the occupation of tenants. The recent Jodhpur Tenancy Law is a case in point. In some parts of Rajasthan Hawala or Halwai is the word used for lands set apart for the exclusive cultivation of the landlord.

7 Time was when the problem of Khudkasht was hardly of any importance and was left to the landlord, the tenant or the State. The landlords who were not occupied by any tenant were always at the disposal of the landlord. Not only this but the landlord's needs received priority over the needs of the tenant and he could always manage to oust a tenant if he wanted to do so to get lands for his personal cultivation. The bigger landlords were also not very keen to take land for Khudkasht although it fitted their dignity nor was it so attractive from the economic point of view. But conditions have now changed. The tenant is no longer prepared to surrender his holding at the bidding of the landlord or in his interest and the Tenancy Laws give him protection against ejectment unless he has rendered himself liable to ejectment by certain misfeasances of omission or commission on his own part. Again even the bigger landlords are now anxious to have as much land as possible reserved for their exclusive use. This is actuated by the hope that even if the Jagir goes they might be permitted to retain whatever lands they have under their own cultivation. The growing craze for mechanised farming noticeable among some Jagirdars is to a large extent motivated by this hope. And lastly the high prices of agricultural produce have also changed the outlook of the landlord towards agriculture as a business proposition.

8 There is yet another factor also in operation. A landlord who at present recovers rent in the shape of a share of the produce finds himself faced with the introduction of cash rents and smaller the landlord the greater is his concern in this

space. Some of them are even likely to be left with insufficient means of tenancy and to be reduced to a position worse than that of a tenant. Wherever the case the problem of Khudkasht is bound to assume a serious aspect as it has already occurred in the Bhomichara areas of Toriwati, Shekharwati and Udaipur in Jaipur.

9. Where land is enough and to spare the problem of securing sufficient land for the landholder as his Khudkasht need present no difficulty. But the trouble really arises where land is in great demand and in consequence the landholders' needs cannot be satisfied without ejecting or displacing the tenant to some extent. That the landholder is entitled to a reasonable area as Khudkasht will be readily recognised. It is the question of appropriation of this land where he has not the requisite land already in his possession which presents difficulty.

10. The Jaipur and Jodhpur Revenue and Tenancy Laws to which a previous reference has already been made contain specific provisions for the determination and appropriation of Khudkasht lands and it is interesting and useful to review them briefly.

11. In Jaipur the relevant provisions on the subject of Khudkasht are to be found in Section 10 of the Jaipur State Grants Land Tenures Act 1917 and the First Schedule of that Act. Section 12 defines Khudkasht and the Schedule questions down how it is to be appropriated. The Jodhpur provisions are contained in Section 6 of the Marwar Tenancy Act 1919. Taken together these provisions throw useful light on the subject and we consider it worthwhile to reproduce them in extent in Appendix E.

12. The distinctive features of the provisions are as follows —

(i) The Jaipur laws provide a sliding scale of Khudkasht land to be allotted to a landholder. In Jaipur there is no such scale and the area has to be determined in each particular case according to the provisions of sub-laws (a) and (b) of the First Schedule.

(ii) In Jaipur the Khudkasht lands of a landholder are to be made up of—

(a) land already under his cultivation at the commencement of the Act

(b) land which was cultivated by him for not less than 7 years during the 15 years preceding the commencement of the Act and

(c) land now continuously cultivated by the landholder for not less than 15 years at any time after the commencement of the Act.

(iii) But no provision is made for the appropriation of lands for allotment to Khudkasht holders in the above categories are not sufficient to satisfy the demand. The Jaipur Act on the other hand provides for such appropriation. It has been found that besides lands which are cultivated by the holder, the following categories of land can also be appropriated to make up the full quota of the landholder's Khudkasht —

(a) Land which has been allotted with certain exceptions

(b) Land held by an agriculturist

(c) Land held by a Khatedar

(d) Land which forms part of a masonry well constructed by the estate holder at his own expense whether such land is held by a Khatedar or a Khatedar tenant

(e) Land held by Khatedar tenants of less than 12 years standing

13. It seems to us that the difference between the provision in the Jaipur and Jodhpur laws is largely explained by the difference in the local conditions in the two areas. In Jodhpur there is generally speaking enough land available which the landholder can even now appropriate to make up his Khudkasht and so the need to make specific provision for appropriation of such land is not felt. In Jaipur it

question of appropriation of Khudkasht is one of considerable importance in certain areas of Jaipur namely Udaipurwati Torawati and Shekhawati the problem has become a thorny and vexed question

14 The Rajasthan Government promulgated in June 1949 the Rajasthan Protection of Tenants Ordinance of 1949 with the object of safeguarding the tenant against unlawful ejectment According to this legislation all tenants who were in occupation of any land on the 1st April 1948 and who may have been dispossessed since are entitled to be reinstated to their holdings in accordance with the provisions of the Ordinance

### Madhya Bharat

15 In a previous chapter mention has been made of the fact that in all the covenanting states of Madhya Bharat excepting Gwalior the Ijaradars or farmers of the revenue were removed when the State Governments began to function more effectively The system of tenure in those areas then became Ryotwari The villages held by jagirdars also are throughout held by the peasants on the Ryotwari system Even in the Gwalior State the jagir villages are held on Ryotwari tenure The essence of the Ryotwari system as explained before is the engagement for the payment of land revenue by peasants of individual holdings with the government direct

16 There is a great variety in the rights enjoyed by ryotwari tenants in the different covenanting states They may however be broadly divided into four classes —

- (1) Pukhta Mauusi or Malkana Haq holder who has heritable rights as well as unrestricted rights of transferring part or whole of his holding by sale or mortgage and sometimes even by bequest or gift
- (2) Mamuli Mauusi or Pattedar peasant who enjoys heritable rights but whose rights of transfer are hedged round by restrictions
- (3) Peasants who enjoy heritable rights but have no rights of transfer whatever
- (4) Peasants who hold leases for their holdings for a fixed period of years and who enjoy neither heritable nor transferable rights

17 The number of peasants in the first category is small Pukhta Mauusi peasants are found in the Ryotwari tracts of the Gwalior State In that State the Mamuli Mauusi peasant requires the right of Pukhta Mauusi after 12 years of occupation or at the time of settlement if settlement takes place before the expiry of the period of 12 years In other parts of Madhya Bharat such peasants are called Malkana Haq holders and sometimes even Istimrarars They are found in Dewas Senior Dewas Junior Pajgarh Nar Singhgarh Ratlam Jhara and Sitamau Some years ago in these states ordinarily Pattedar tenants were allowed to acquire Malkana Haq on the payment of certain nazarina to the State

18 The bulk of the peasants in the Ryotwari tracts fall in the second category of Mamuli Mauusi which is the term employed in the Gwalior State or Pattedars which is the term employed in the Indore State In the Gwalior State the peasant could not transfer his land without the permission of the government or the signature of the village In the Indore State previous permission of the Collector of the district was required for transfer In the Indore State transfer was allowed only by sale to another bonafide agriculturist This restriction did not apply in the other areas of Madhya Bharat In most of the smaller states permission of the government was necessary to such transfer Most lands allotted to new peasants are all given out under this tenure

19 It is only in some of the smaller States like Sitamau Piploha Alwarajpur Thabua and Pajgarh that tenants of the third category are found The number of peasants in the last category is also extremely small

0 After the formation of Madhya Bharat attempts have been made to unify and rationalise the land revenue and tenancy laws in the Ryotwari villages. The land revenue and tenancy ordinance was passed early in 1949. By this the number of classes of Ryotwari peasants was reduced to two. All peasants who had rights less than those of Mamuli Mawusi or Pattedar peasants were given Pattedari rights which have formed the main bulk of the peasantry in the ryotwari areas. Those who had formerly Pukhta Mawusi or Malkana Haq were left undisturbed because they had rights superior to those of Pattedar tenants. The policy of the government is now to let out all future leases on the Pattedari tenure. No Pukhta Mawusi rights will be allowed to accrue in the future. Certain other reforms were also brought about by this ordinance. The Madhya Bharat legislature has also recently passed the Land Revenue and Tenancy Act which further consolidates the position in the Ryotwari areas. Even the Pukhta Mawusi tenure has been abolished and practically all tenants have been brought to the level of Pattedars. The new Ryotwari law also introduces certain restrictions on transfer of leases to enable more holdings of an economic size being created in the future.

1. The tenants in the zamindari areas are of three types —

- (1) Pukhta Mawusi
- (2) Mamuli Mawusi and
- (3) Gair Mawusi

The Pukhta Mawusi tenant has unrestricted rights of transfer in addition to heritable rights. The Mamuli Mawusi tenant has only heritable but no transferable right. The Gair Mawusi tenant has neither the right of inheritance nor transfer. Usually a tenant first admitted to a holding in the zamindari area starts with Gair Mawusi right. After 12 years he automatically becomes a Mamuli Mawusi tenant. After another 12 years he becomes a Pukhta Mawusi tenant. The acquisition of superior right can however be accelerated with the consent of the zamindar who for giving such sanction usually takes a mazarana.

The rights and liabilities of ryots and tenants in the Ryotwari and Zamindari areas are set out in detail in Appendix B.

1.1 Tenant has different enjoyed the right both in Ryotwari and the zamindari areas. The Pukhta Mawusi tenant in the Indore State could sublet his land only for agricultural purposes and not otherwise. In other parts of Madhya Bharat the Mamuli Mawusi or Pattedar peasant could freely sublet his land on condition that it is limited by the terms of the sublease. In the Zamindari areas the Pukhta Mawusi or Mamuli Mawusi or even Gair Mawusi tenant could sublet his land freely. All these tenants could hold it until the expiry of the period of sublease. In an amendment in the Chhatisgarh tenancy act the subtenants were also protected from eviction on the ground of non payment of rent or breach of certain other conditions. In the tenancy act passed for the Ryotwari areas several restrictions have been placed on subletting.

## CHAPTER X—FUTURE OF JAGIRS

1 We have attempted to give according to the material available or accessible to us some of the essential features of the Jagir system in Rajasthan and Madhya Bharat. We propose now to deal with the future of that system.

2 We have shown that the Jagir as an institution has existed in India for many centuries. One attribute of it which merits particular attention is its impermanence. In the Muslim period the Assignee was the holder of an office. The Muslim Rulers set their face against any claim to make the assignment heritable. They always insisted on a clear distinction between private property distributed according to the law of inheritance and public offices and assignments in which no vested or continuing right accrued.

3 The Mahratta Princes did not allow permanent alienation of revenue. As Malcolm observed, these have not forgotten that their own titles originated in mere temporary grants and they have great reluctance to give *Sunnuds* or deeds of a contrary nature. Little respect has been shown by the descendants of the great Mahratta Princes of Central India to the *Sunnuds* of the Emperors of Delhi except to the one held by *Zamindars* and hereditary officers with whose services in the ordinary management of the country they could not dispense. But though their very free lands and immunities were preserved their authority has been much limited.

4 Land held as a freehold on *Bhum* tenure by the *Rajput Bhumia* is always cherished as a better title amongst the *Patyuts* in Rajasthan than either the larger Jagir or the assignments given by the Clan Chief to his clansmen. Because the latter are liable to be resumed either by the Ruler or the smaller chief.

5 There never was or has been any immutability about the Jagir system. The principle of resumption must be deemed to be inherent in it. Interferences in Jagir rights were not uncommon under the Hindu Rulers. In Rajasthan Jagir rights have suffered in the past under the acquisitive instincts of the Rulers, notably in eastern Rajasthan. It all depended whether the Rulers were strong or weak. The clan organisation undoubtedly put some kind of a constitutional check on wholesale expropriation of Jagir rights.

6 The apparent stability of the Jagirs in India is primarily due to the protection enjoyed under British interference between the British interposed their authority between the their suzerain *Darbars* in Madhya Bharat and the separate identity of the states. The proprietors look up to the British for protection. Under the critical views of *Tolstoy* and *Elphinstone* the British was some kind of a federal structure in a Raj. It divided between the Ruler and his clansmen. In their views the British Government were not as yet unduly interfered with by the Ruler.

7 The modernisation of State administration interests of feudal organisation. As the Rulers centralised it tended to curtail the powers of inevitable corollary to progressive administration. Madhya Bharat have been gradually assimilated during the last few decades but as conservatism reigns in the States of Rajasthan the Jagirdars still the integration of their areas with the rest of the fought for the preservation of their feudal interests. State to preserve it intact for them.



unrestricted right of property over the Jagir. So long as the Jagir is in his session he is no doubt entitled to the income from it.

14 The position that the Jagirdar finds himself in today is that of an Assignee without any of the other attributes which gave him his original status as a Jagirdar. The residuum which is now left to him is what is termed as his proprietary right to collect revenue from his tenants and his obligation to pay certain tributes which have been fixed long ago as a political settlement. If the position of a Jagirdar were to be stabilised by Government, he will have to be given the rights of a landlord and property rights created in his favour somewhat analogous to that of a Zamindar in other parts of India. This would be the natural course of evolution of the status of a Jagirdar if he is to be left intact with his present right over the land. The only possible way in which the Jagirdari system can survive in an altered form is in some modified form of landlordism.

15 Here the Governments will be faced with the question of maintaining the landlord's interests as against the rights of the present proprietor. Will a Jagirdar's position as a rent receiver remain unaffected and untouched when throughout the country the rick is being vigorously asserted and propagated that on agricultural land there can be no unearned income? In any case it would be impossible to confer on an Assignee the rights of a landlord when throughout the century of his existence he had no such rights. Any attempt to convert the Jagirdari system into some form of landlordism would be considered a most retrograde step. It must be stated without hesitation that there are no means by which the Jagir system can be continued under a democratic form of Government. The truth is that the system has been in a slow process of disintegration for several decades and there are no straws which could possibly support it.

16 This conclusion is not based on any hostility to the Jagirdars as a class. At a stage when institutions become archaic certain undesirable elements inevitably creep in, but that does not condemn any class or body of men. The Jagirdars will now have to look to the future and not to the past. There is nothing about the past of which the best among them may be ashamed. There are many things about it which the patriotic Indians have every reason to be proud of. What need concern them in the future is not so much their rights or privileges but the manner and method by which they should adjust themselves in the fast changing conditions of these social and political environment. Our recommendations which follow in a subsequent chapter are influenced by the consideration of rehabilitating them over a period of years so that the change may be carried out in a manner which would cause as little distress as the changing circumstances will permit. Rapid and radical changes are not without their pangs of distress and suffering but they can surely be tempered by sympathetic consideration and understanding and far-sighted measures. The process of rehabilitation of the Jagirdars in the next one or two decades will depend upon their willingness to give up their privileges and privileged position in the higher interests of the country and in a spirit of patriotism as the Samurais did in Japan and the assistance which the Government may give in bringing about readjustments and extending them a helping hand.



## CHAPTER XI — ABOLITION OF JAGIRS

1 For some time past now there has been a well spread and manifest system of all types of interference in land. The representative of the system has often been attacked and condemned. We take it as a matter of fact that an owner can found to the profit of his land and can make enormous of individual profits or expenditures in the improvement of his land. The jagir system has to be examined as an institution. We take it as a matter of fact that such an institution in the form of work of modern democratic state which we are building up in India. We shall have in particular to consider whether any avaricious economic or social advantages flow from the existing perpetuation of jagirs as an institution.

2 We believe that no one in India today would advocate the creation of jagirs in the future. We can take it as a matter of fact that the state is due to the state to pay in the future for services rendered by the state reward for services already rendered by them. No one for example will advise to that Ministry or to the functions of the state army command have given a number of state resources for services rendered by them. We can have entirely different methods of remunerating such services.

3 The continuation of assignments as rewards for services rendered in the past cannot be justified because such jagirs have been a burden on the state and have been already and quite recently repaid to the state in many cases. It is not necessary to the existence of an entirely outmoded system which is a burden on the state under the present day conditions. The revenue and tax due to the state should be collected direct by the state and not be allocated to the proprietors. The lighter tribute which is paid to the owner of the land in the present system is a burden on the state and should be removed. The state should eliminate the burden of the state and the contentment of the state should be the result of the state's subject only to the payment of revenue or tax to the state. It is not necessary to the state to pay the state of the state of the state who tribute is a burden on the state. The production from the land and who are entitled to a share of the state's dividend and who are justified. The Jagirdars are that they provide the state and the state for the state when in the state and the state in the state of the state. If farming they lose in the state but the state for the state of the state which they claim to perform the state which in the state of the state as a whole or the state or government are expected to perform and in fact should perform.

4 The conclusion that the further continuation of the jagir system is unjust and that the jagirdars should be disposed of their right is a natural result of the question as to whether the state is entitled to any compensation. This is intimately linked up with the question of the nature of the jagir rights and in particular to how far it partakes of the nature of proprietary right. Neither during the British nor the Moslem period was any property right as such in relation to land recognized by custom or law. The tiller of the soil the farmer or the tenant and the holder of all these possess certain rights and obligations towards the state. The idea of property in land however was quite foreign to Indian conception. It was only the British who first entered into an examination of this new conception of property in land. Those British conceptions as previously indicated are inapplicable to the Indian States in Malwa and Patashan. If any proprietary rights in land have ever been asserted it has only been so in Malwa Bharat during recent times where the Marhatta Rulers as overlords have claimed to be proprietors of the soil. The jagirdars in Malwa and Gwalior and Indore which can hold the present position in regard to jagirdars clearly lay down a distinction between jagirdari rights and the rights of proprietors as such.

5 There are other customs in force which clearly distinguish between jagirdari rights and proprietary rights. Jagirdari rights have always been understood to be sumable at the will of the ruler. Jagir rights have never been governed by the Hindu law of Mitakshara which applies to the property of a Hindu. For example a jagirdar could not pass on his jagir to an adopted son unless such adoption was made with the prior permission of the ruler and in most cases unless a nazarana was paid for the recognition of such adoption. Such restrictions do not apply to the inheritance by adoption of other forms of property. Secondly jagirs are usually held under a sanad or other explicit or implied grant and are never partible. The rule of primogeniture and the rule of impartibility applicable to jagirs clearly distinguish them from forms of property. Again the rights in a jagir are not transferable at the will of the jagirdar. There may have been occasional instances where the ruler may have permitted a financially embarrassed jagirdar to mortgage a portion of his jagir but there is no case known of such mortgages having been for closed term. No instance known either of jagirs having been transferred to other persons for valuable consideration or by bequest or gift. The inference is clear that jagirs (inasmuch as that term will all forms of assignments) are not the property of the jagirdars.

6 If the jagir system is abolished jagirdars would not be entitled to any compensation on the ground of the jagirs being private property. This is not however to say that we recommend an outright abolition of jagir rights without due regard and consideration of the assistance which should in such an event be given to the jagirdar. Even though jagirs are not property we have to be in mind that these rights which have in many cases been enjoyed for centuries have accrued around them an accretion of rights by long custom and prescription which are entitled to due recognition. It has to be recognised that the Jagirdars form an important part of society. No social or economic reform can contemplate the turning adrift of any part or class of society. The Jagirdars as a class have long depended for their livelihood and sustenance on the revenues derived from their land and the abolition of the jagir system and the deprivation of the rights of jagirdars without consequential arrangement will cause widespread distress and dislocation. In the event of the abolition of the jagir system therefore it would be the duty of the State to ensure that the jagirdars are enabled to rehabilitate themselves. Such rehabilitation will necessarily involve some time and during that period the jagirdars must be given assistance from Government.

7 In considering the practical measures for dealing with Jagirdars on the abolition of their jagirs it may be convenient to divide the jagirs into three distinct classes. These distinctions will not however be according to the historical origin of the jagirs but according to the existing condition of the jagir. In the first category we would put jagirs consisting of one or more entire Mauzas or villages. In the second category we would put assignments of small parcels of land consisting of holdings either in one village or scattered over more than one village. This distinction is necessary both for administrative and economic reasons. From the administrative point of view the problems which revenue reform in entire mauzas present are distinct from those presented by small and dispersed holdings. Economically too the jagirdar of one or more entire villages is in a very different group from the assignee of small holdings. It is also of importance to note that in the leading States of Madhya Bharat this distinction is already made for purposes of regulating the rights and privileges of a jagir. In the third category we would put all jagirs or assignment whether consisting of entire mauzas or of holdings the revenues of which are dedicated for the maintenance of a temple or other religious or charitable institution. This class has to be placed apart because the considerations which apply to temples or institutions are very different from those which apply to the economic life of individuals.

8 We shall first consider the class of jagirdars who hold one or more villages. We consider that a period of 1 year should be allowed to the jagirdar

to enable them to adjust themselves to the new conditions. During the period they should be allowed certain financial advantages out of the revenues of the State.

9. In devising a formula fixing the share of the amount which a jagirdar should receive from the State on allocations of social justice, we require that the smaller the poorer jagirdar should be dealt with more liberally than the richer and the larger jagirdar. The principle of distributing the national burden progressively increasing in manner as before in persons of lower income groups and persons of higher income groups is now well recognised. The same principle should in our view be applicable in the distribution of jagirdars of different income groups. In working out a progressive system using scale of the share to be kept by the jagirdar and the progressively decreasing scale of the amount to be paid to the jagirdar, we also consider that the ideal system is preferable to the existing system as it is more equitable. We accordingly recommend the following scale of payment to the jagirdars for 10 years —

	Scale of Income (Rupees)	Proportion to be retained by Jagirdar (in annas per Rupree)	Proportion to be paid to the Jagirdar (in annas per Rupee)
The first	3 000	1/1	1/16
Next	5 000	1/2	1/14
Next	8 000	1/4	1/11
Next	10 000	1/5	1/10
Next	30 000	1/8	1/8
Next	50 000	1/10	1/6
and the	Remainder		1/4

10. We have given anxious thought to the question of the khudkasht land of the jagirdars. We have no exact figures to show the extent of khudkasht holdings of jagirdars but we presume a good number of them have some land delineated as their khudkasht. In certain parts of India, more than khudkasht land goes under the name of Sir. The essential difference between Sir and khudkasht as it is understood in North India is that Sir is the special homestead of the landlord in which the tenants' rights never accrue, whereas khudkasht land is merely any land under the cultivation of the landlord in which however if tenants are admitted tenants' rights also accrue by the normal operation of law. This distinction appears to be blurred in Rajasthan, while in Madhya Bharat Sir as such exists hardly at all. In the future set up there should not be two classes, Sir and khudkasht, but that all land under the direct cultivation of the landlord or the jagirdar with his own tools and implements through hired labour should be classified as khudkasht. Tenants if admitted to such lands will however be entitled to such tenancy rights as accrue to them under the operation of the law.

11. Where a landlord or jagirdar himself has a farm or khudkasht of his own, his attachment to the land and his right to cultivate that land himself ought to be respected. In fact in some of the more sparsely populated areas of Madhya Bharat and Pajasthan the bigger landlords should be encouraged to create khudkasht farms for themselves out of fallow land. The landlord on the other hand should not be encouraged to keep large areas of land nominally shown as his khudkasht

ely to enable him to retain in a different way lands which he ought to part with  
We therefore recommend that a jagirdar be allowed to keep as his khud  
ht—

(a) all land which he at present cultivates with his own cattle implements and hired labour and

(b) other land which he may acquire as a khudkasht up to a maximum limit to be prescribed as suitable for each area subject to the strict and invariable condition that he is not to add to his khudkasht any land which is held by a tenant or root of whatsoever class he may be

The intention is to permit jagirdars not only to continue to hold their present khudkasht but also to extend it reasonably. What the reasonable maximum extent such khudkasht should be will naturally vary according to the fertility of the soil, the nature of the country and other conditions. No definite acreage can therefore be set down for the whole of Rajasthan and Madhya Bharat as a part of our recommendation. The reasonable maximum size of a khudkasht holding will have to be determined by the settlement officer or the revenue department or a land tribunal if such is set up.

12 We also desire to state that in the future such khudkasht should be liable for the assessment of Government revenue at settlement rates in the same way as all other land may be. There is no justification for any privileged class of persons holding or cultivating land free of the obligation to pay the state its share of revenue.

13 We now come to the consideration of the second class of jagirdars, namely those who do not hold entire villages but only scattered holdings in villages. We appreciate that even in this group there may be a few whose aggregate holdings or whose income may be larger than that of a jagirdar of one or two very small villages. Such border line cases are likely to be few and taken by and large the classification we have made does divide the jagirdars into different economic groups. In any case for reasons of administrative convenience it is necessary to treat this class apart.

14 In Rajasthan the bulk of such holding assignments consist of—

(a) holdings which have been allotted by bigger jagirdars for the maintenance of the cadets of their families. Bhumias and Bhum holdings and

(b) holdings created by the extreme fragmentation of jagirs where the law of primogeniture is not observed.

Sub-infeudation which gives rise to class (a) is practically unknown in Madhya Bharat where again there are practically no jagirs which are not governed by the law of primogeniture. Included in the same category though very different in their origin are the holdings of assignees of the class of Musafidar Dharmadars, Sasans etc. that is to say grants of small parcels of land made to different classes of persons either for charitable purpose or in recognition of services of the humbler walks of life.

15 From the economic point of view this class of small assignees holding only a few acres of land are little better off than the sub assignee plot proprietor or free holder of the same category though very different in much greater than that of the holder of a well to do with it the prestige of being an assignee and the free holder. The attachment of this class of free holder to the land is very great. The number is not exactly known but it is probably of the order of seven thousand while in Madhya Bharat the number of such holders is

16 We have stated above that the economic position of the sub assignee is hardly better than that of the superior class.

the point of view of agrarian reform therefore there is not that imperative need for the abolition of such assignments as there is in the case of the larger parcels. The bulk of the plot holders live on the land and cultivate parcels of land themselves. We consider that this class of people well rooted in the soil should not be unnecessarily disturbed. In fact to dispossess them will only mean uprooting a large number of genuine cultivators of the soil without any recompense in the form of social or economic reform. All that appears necessary in this class of holdings is to remove two of the defects associated with that system.

1. The subtenant or the Musafdar or plot proprietor though he cultivates part of the land himself also sublets quite a part of his holding to other persons. These other peasants or subtenants have no security of tenure. They can be evicted at the will of the superior proprietor from whom they hold the land. This is the first of the two defects referred to above which have to be rectified. Following the principle of eliminating an intermediary in any form it is necessary that these tenants should be granted full protection against eviction. In the fixation of rent payable by them they should also have the advantage of the rates fixed by the Settlement Officers. They should in our view for a period of about 12 years be liable to pay rents not more than 50 per cent in excess of that fixed in the settlement rates for a tenant in chief. The relevance of the period of 12 years is with reference to the recommendations below where we have suggested that the tenants of the small assignments should also be made tenants with full right hold direct from the State after a period of 12 years.

18. The free hold character of the land held by these small tenants will also have to disappear. There can be no room for any privileged class of persons exempt from the payment of the share due to the state. The aim should be to bring the small holdings assignments to the level of other peasants by imposing on them the obligation to pay land revenue to the state.

19. The small tenant should in the future have the same rights of letting his land to subtenant as other pattadar or khatedar tenants have. Where this class of assignment is disabled by virtue of being a minor or woman or blind person or lunatic from cultivating his or her land subletting should be permitted subject to the right to evict the subtenant whenever he may want the land back for his own cultivation but not for letting it out to other tenant. Similarly those among this class of proprietors who enlist in the army should be permitted to sublet their lands for the period during which they remain so enlisted with the right of evicting the subtenant and resuming cultivation on return from the army. Such enlisted soldiers should however not be allowed to evict subtenants merely in order to pay the land to some other subtenant. We were somewhat disappointed to note that no provision has not been made in the Marwar Tenancy Laws with the result that returning soldiers find it impossible to resume their cultivation. We would suggest that the provision for the security of tenure of subtenants be made in the unified laws for Rajasthan.

20. The practical measure would be therefore for the subtenant musafdar free tenure holders and all other assignees of holdings—

(a) that they be permitted to cultivate their

(b) that their tenants be left to the conduct

The tenants of these small assignments with full rights holding direct from the superior proprietor in his turn have to become a palkhasht. The deprivation of the decrease in their income hasht to land revenue necessitates opportunity during a period of

period of 12 years has been allowed to the larger jagirdars to stand on their own. The total income from the small assignments therefore including the usufruct of khudkasht and the rents payable by sub tenants in that holding will have to be in its entirety for a period of 12 years to the assignee. At the end of 12 years the sub tenant will become a full tenant subject to the payment of land revenue at settlement rates and the smaller assignee will be confined to his khudkasht which will also then be assessed to land revenue at settlement rates in the same way as the khudkasht of the bigger jagirdar. The usufruct of his khudkasht free of revenue for the next 12 years and the small profits of land let out to tenants for a period of 12 years will constitute the rehabilitation assistance allowed to class of small assignees.

21 We now come to the third category namely that of assignments created in endowments for the upkeep and maintenance of temples and other religious and charitable institutions. So far as the purely agrarian or land revenue aspect of these assignments is concerned exactly the same considerations as those apply to other kinds of assignments hold good. There is the same reason for the abolition of the larger endowment jagir for the confirmation of the jagirdar or the muafidar peasant with full rights in his khudkasht area and for full protection being given to other tenants to whom lands in such assignments have been let out. There is also an additional reason for assimilating these assignments to the khal area namely that in many cases the assignee is not devoting the revenues of the assignment fully or properly to the purposes or objects for which the endowment was created. The treatment of such assignments on the lines recommended for assignments of the other two classes will however create a void for which provision has to be made. The void will be created by the temples and religious institutions being deprived of the endowments on which they depend largely for their upkeep. Some of these institutions are of considerable antiquity and are held in great reverence. The appropriation of the revenues of such assignments by the state will offend public sentiment. Provision will therefore be necessary for the maintenance of the endowments in some form or other.

22 We would suggest the setting up of statutory religious and charitable endowment boards in Rajasthan and Madhya Bharat to whose care all institutions now dependent on such assignments may be committed. The boards created should be statutory in order to give the public greater confidence and a greater voice in their working. Subject to the creation of such endowment boards we recommend the treatment of the assignments in the third category on exactly the same lines as those recommended for other assignments. The income derived from these assignments at present will have to be estimated and a sum equal to this income will have to be placed at the disposal of the endowment board for the management of the institutions entrusted to them. This will we hope lead to better management of the temples and other institutions and to the utilisation of the income of the endowments to better public advantage.

23 We may sum up the foregoing recommendations by stating that broadly we divide the jagirdars into two groups namely those who are proprietors of one or more villages and those who are proprietors of holding. The former group may be called the principal assignees. This class will include almost all the jagirdars who hold their jagir either by sanad grant patta or some similar instrument but it is possible there may be some proportion of them who may not be holding under any such formal document.

24 Our recommendations in paragraph 9 apply to the principal assignees only.

25 The other group of smaller assignees will not be disturbed from their position on the land and will be entitled to receive their income either from their own land or from their sub tenant for a period of 12 years. Consequently when the jagirs of the principal assignees are taken over any class of persons who belong to

second category will remain on their land and will not be disposed of. A record of rights for them will have to be prepared and their status and rights will be determined in the manner proposed in para 20.

26 In Madhya Bharat the gross receipts will have to be calculated on the revenues derived from the average of the payment according to settlement rates from the cultivated area (excluding khudkash) during the three agricultural years preceding the year of the abolition of the jagir. All tanka or tribute (including that on the jadid usool) will have to be ignored in the calculation of the gross receipts and the share payable to the jagirdar should be quite regardless of the tankas paid by him in the past to government. The tankas fixed in the past bear no relation to the income of the jagirs and are based on no scientific principles. It would only be fair in considering the assistance to be rendered to the jagirdar to ignore those tankas and to proceed on the basis of the actual revenue of his estate. This may result in some of the jagirs of the jadid usool in Madhya Bharat deriving a larger income than they have hitherto but this is only fair particularly as the new amounts payable to the jagirdars are being calculated on bases entirely different from those on which tankas were fixed in the past. In Appendix C is given a statement showing the classification of the jagirdars in Madhya Bharat according to different income groups. There are 13,000 jagirs of this class in Madhya Bharat deriving a total revenue of Rs 73.87 lakhs of which the jagirdars pay to the government a total of Rs 11.87 lakhs as tanka or tribute. According to the scale recommended by us for the next 12 years the share accruing to the state from the income of these assigned areas will be about Rs 1.5 lakhs.

27 The above remarks apply to Pajasthan and tributes such as Rehli Chak etc. should be ignored in calculating the gross receipts. In Pajasthan only in the settled jagir areas will it be possible to calculate the gross receipts of revenue derived from the average of the three agricultural years preceding the year of abolition. The formula cannot therefore be applied to most of the jagir areas where in respect of the year in which a jagir is taken over the amount to be paid to the jagirdar must have to be based on a rough calculation. In the subsequent year the amount estimated will have to be revised and the amount fixed with reference to such revised data.

28 A sum called the basic annual sum will therefore have to be determined in the case of a jagir and the Jagirdar's Share shall be paid according to the scale recommended.

## CHAPTER XII.—ABOLITION OF ZAMINDARI RIGHTS

1 In considering the problem of Zamindari in Madhya Bharat and Pajasthan the Committee have had the advantage of having before them the reports of the Zamindari Abolition Committees of the United Provinces Bihar and Madras. They have also had the advantage of observing the measures taken by the provincial governments in respect of Zamindari in their areas. The Government of Madhya Bharat had also independently of this Committee appointed their own Zamindari Abolition Committee. That Committee has recently reported to the Madhya Bharat Government and we have perused its report.

All provincial governments which have tackled the problem of Zamindari have come to the conclusion that the Zamindari system must be abolished. The Madhya Bharat Committee has also reported in favour of abolition. In the conditions it is hardly necessary to elaborate or reiterate the arguments for the abolition of Zamindari in Madhya Bharat and Rajasthan. The Zamindari problem is more pronounced in Madhya Bharat and exists only in very small areas in Rajasthan. The Zamindari is of recent growth in both the areas. It has been of recent creation under fortuitous circumstances. The Government of Gwalior instead of confirming and confirming the farmers of revenue may easily have taken a decision on the lines of the other Mahratta States in Malwa where such revenue farms were extinguished. In Pajasthan a modified form of Zamindari exists and is largely a creation out of the bias of certain settlement officers.

3 The economic and social arguments for the abolition of Jagirdari apply *a fortiori* for the abolition of Zamindari. It is hardly necessary to recapitulate the arguments in favour of such abolition which have been expounded at length in the course of so many enquiries in recent years. The fundamental principle is that the tiller of the soil should be entitled to the fruit of his labour subject only to the payment of the share due to the State and without the interposition of intermediaries.

4 As in the case of jagirs the question arises as to how far Zamindari rights in Madhya Bharat and Pajasthan partake of the nature of property rights. We have previously dealt at length with the nature of property right in the different period—Hindu Muslim British and their applicability to Indian States where the laws have never recognised full property rights over the soil as embodied in the Zamindari. We recognise that Zamindari in Central India and Pajasthan was a relic of the legacy of the Zamindari system in North India. We also recognise that during the recent past the Zamindars have obtained all the rights of user and disposal which the Zamindars in the U.P. possess. We further appreciate that the Zamindars have enjoyed the right of transfer by way of mortgage sale bequest and gift and also that there are among the present Zamindars a class of persons who have a quare in these rights for valuable consideration. In spite however of all this it has to be remembered that the Zamindari system in Madhya Bharat and Rajasthan is of recent growth and that the legal consequences relating to Zamindari rights in Bengal and U.P. have never been extended in their entirety to these areas. In fact as pointed out before in the leading Mahratta States the theory was evolved that the property rights of the soil vest in the Maharaja. We do not therefore consider that the Zamindars in these areas enjoy property rights of a nature which entitle them to compensation as such.

5 Zamindars cannot like Jagirdars be divided into Zamindars of entire villages or Zamindars of plot holdings. It is of the essence of the Zamindari system that the engagement for the payment of revenue is made for a Mouza or a Mahal as a whole. The engagement may be for a single Zamindar or a body of proprietors but in dealing with Zamindari it is necessary to deal with the Mouza or Mahal as a whole. If the Zamindari system is to be eliminated from all the villages where the Zamindars of the villages are single individuals or groups of persons, the measure of redistribution as a starce to be rendered due regard.



have to be paid to the different economic groups into which Zamindars may fall. The argument for making a distinction between the rich Zamindar and the poor zamindar on a progressively increasing, or decreasing, scale holds good as much in the case of the Jagirdars.

6 In regard to the assessment of the rehabilitation assistance to be rendered to the Zamindars in lieu of the abolition of their rights two problems arise namely —

- (a) the mode of determining the scale of payment and
- (b) the mode of financing the assistance

These two problems are discussed in the report of the Zamindari Abolition Committee of Madhya Bharat and it would be useful to consider the questions here with reference to the recommendations of that Committee.

7 The Committee propose that the proportion of the compensation to the income of the Zamindar should progressively decrease with the increase in the income of the Zamindar and that the net profits of a Zamindar should be calculated on the basis of the gross income minus a 10 per cent deduction for the cost of collection and short collections and minus the land revenue and cesses payable by the Zamindar to the Government. That Committee have however entered into an examination of the effect on the net profits of the period which has elapsed since the last settlement. We are unfortunately unable to agree that such consideration be given in the calculation of net profits because we think that that Committee has proceeded on the popular assumption that settlements are undertaken from time to time mainly with a view to enhancing the land revenue. The assessment of land revenue at successive settlements has in the past shown an increase with the increasing development of the country and the rise in prices. More recently however most cultivated parts of India have reached a stage where further enhancement of revenue is no inevitable. In fact now revenue assessment is much more dependent on the price level than on anything else. The level of rents of new leases in the period 193 to 1939 was much lower than that in the period 1920 to 1929 because of the world wide slump in prices which occurred after 1930. If revision of settlement takes place with reference to low level of prices there is no reason at all why enhancement of land revenue should be expected except for such other reasons as extension of cultivation or increase in irrigation facilities. We do not therefore consider that there is any need to go into the question of the period which has elapsed since the last settlement. The net profits of a Zamindar worked out without this consideration should be as good a guide as any other.

8 We agree with the Madhya Bharat Committee that the amount of the rehabilitation grant should be expressed as a multiple of the net profits. That Committee have however recommended the classification of Zamindars according to the revenue assessed on them. We are unable to appreciate the reasons for this. It would be much more scientific in our view to classify the Zamindars as we have recommended in the case of Jagirdars according to their income groups and not according to the land revenue paying groups. We would also recommend the sliding system instead of the step system with marginal adjustments recommended by the Madhya Bharat Committee. For the rest we would be willing to follow the line indicated by the Madhya Bharat Committee and suggest the following scale of assistance —

	Slabs of income	Multiple payable to the Zamindar
First	100	20 times
Next	400	17
Next	1 500	15
Next	1 000	1
Next	1 500	10
	Remainder	5

9 The Madhya Bharat Committee have estimated that the cost of the abolition of the Zamindari in that State would amount to about Rs 10 crores. As the average rate of assessment of Land Revenue in the Zamindari area of Madhya Bharat is the estimate of the cost of abolition will be the same under the scale of 1 is proposed by us. They have suggested that in order to meet a part of this the U P scheme of collecting a Zamindari Abolition Fund from the tenants adopted. They have recommended the collection of three times the annual rent from Pukhta Mauzu tenants, 10 times from the Mamuli Mauzu tenants and 15 times from the Gair Mauzu tenants and fifteen times from sub tenants. They estimate that if all tenants in the Zamindari area pay up these amounts for the acquisition of certain rights and for the reduction of rent the total sum collected would amount to about Rs 30 crores. They are however not quite confident that tenants would take advantage of these terms if offered and have therefore suggested that it is more likely that a sum of only about Rs 3 crores may be possible to collect. This would impose on the Government of Madhya Bharat the burden of finding about Rs 7 crores. The Committee have further suggested that only part of the payment of compensation be made in cash and that the remainder be given in the form of Government bonds in order to prevent inflation and to spread out the liability of the Government over a period of years.

10 We regret very much that we are unable to endorse some of the principal recommendations of the Madhya Bharat Zamindari Abolition Committee. That Committee recommend that on payment of the sums indicated by the tenants various classes they should be given Pukhta Mauzu right. It is not clear how sub tenant and the tenant in chief can both acquire Pukhta Mauzu rights in the same piece of land by each paying the amount fixed for him. Moreover with the abolition of Zamindari and Jagirdari it is highly desirable that the rights of tenants throughout the State be placed on an equal footing. It will be agreed that once the intermediaries are removed the relation of the ryot with the Government should throughout be the same. In the recommendations we make in subsequent chapters we propose that the right of the ryot to transfer his land be suitably restricted. In fact the Madhya Bharat Government themselves in their recent tenancy legislation have put such restrictions on the rights of transfer of peasants in the Pyotwari area. It would not be desirable to create Pukhta Mauzu rights in favour of all the tenants in the Zamindari area and to create only Mamuli Mauzu rights in the Ryotwari area of Madhya Bharat. We are also of the view that the terms offered to tenants in the Zamindari area in return for the payment demanded from them will not prove attractive to those tenants. The bulk of the tenants in the Zamindari area in Madhya Bharat even today enjoy heritable rights. The average peasant is not much interested in acquiring rights of transfer particularly in a period of high prices when he is well off and does not need to mortgage or sell his land to raise money. We are of the view therefore that if an attempt is made to collect money from the tenants in a widespread drive of the kind contemplated the attempt will not meet with any substantial success. We do not therefore recommend such a course of action.

11 The Madhya Bharat Committee have not made any estimate of the total amount which would be payable in cash in addition to the issue of bonds. It is safe to assume however that the sum payable in cash will run into a few crores. The payment of such a sum will certainly aggravate the inflationary conditions in the country. In our view even the payment of a crore or two crores of rupees would place an intolerable burden on the financial resources of the Madhya Bharat Government. In the present state of economic crisis and the imperative need to check inflation by all means possible we cannot support this line of action.

12 The issue of bonds as recommended by the Madhya Bharat Committee does not amount to savings. It amounts merely to the acknowledgment of a liability created now to be redeemed after a few years. It will be almost impossible for the Madhya Bharat Government later to find the money to redeem.

We are on the whole therefore unable to agree with the means recommended by the Madhya Bharat Committee for financing the scheme of Zamindari abolition.

13 We consider that the approach to the financial aspect of Zamindari abolition should be totally different. We shall have to find the means for the liquidation of the system within the system itself. In our view the Zamindari system should be abolished by legislation forthwith and the villages converted into the Ryotwari system the collection of rents from the tenants can then be made through village panchayats to be appointed and the collections deposited in the treasury as in the Ryotwari villages. We would not however recommend the reduction of the rent of any of the tenants in the Zamindari areas for the present. Any increase in the rights of peasants in those villages can be granted without calling upon the tenants to pay any sum for the acquisition of those rights. In a period of high prevailing prices and inflation and particularly in the present circumstances of India there is no justification whatever for reducing the burden on the primary agricultural entrepreneur namely the cultivator of the land. In fact the present level of prices would actually justify the imposition of much increased burdens on the tenant so long as the high prices last. We would for these reasons suggest that the whole of the rent at present paid by the tenants to Zamindars should be made payable to the Government. At present the gross rental and other income of the Zamindari villages of Madhya Bharat is estimated to be Rs 14 crores. Of this the Zamindars pay the Government in the shape of land revenue a total sum of Rs 1 00 crore intercepting as their own income sum of Rs 0 00 crore. The actual assessment today stands at just a little over 5 per cent. If all the rents payable by tenants to the Zamindars become payable to the Government Government's revenue from the Zamindari villages will go up to Rs 1 39 crores. On the other hand we shall have to make allowance for the increased cost of collection involved in collecting from all the tenants direct. If the cost of collection is put at about 4 per cent of the total demand it would amount to Rs 15 lakhs that is to say the Government may have to incur an annual expenditure of Rs 15 lakhs for the new administrative arrangements to be made for the collection of revenue from the Zamindari villages. This we consider a liberal estimate. This would still leave the Government with an increase of Rs 84 lakhs per year the total net receipts from these villages. We have proposed in the case of Jagirdars a period of 12 years during which they would receive a subsistence from Government. On the same analogy whatever compensation may be payable to the Zamindars may be paid out in 12 equal annual instalments. If the excess sum of Rs 84 lakhs per year is utilised for this purpose then in a period of 12 years the total sum available to the Government for Zamindari abolition would amount to Rs 10 08 crore. This is the sum which the Madhya Bharat Committee have estimated to be the cost of Zamindari abolition. We suggest that the compensation payable to the Zamindars be divided into 12 equal annual instalments and paid out of the increased revenue Rs 84 lakhs per year becoming available to the Government.

14 The considerations which govern the acquisition of khudkash lands by jagirdars apply in equal measure to the zamindars. Zamindars should be allowed to acquire and retain khudkash lands subject to a settlement of land revenue in the same way as jagirdars.

15 We were unable to obtain detailed information regarding the rental assessment of the Zamindari areas in Pajasthan but we consider that the abolition of Zamindari there should also be carried out on the lines indicated for Madhya Bharat.

16 We have excluded from our consideration the Ganganagar canal area Bikaner. None of our recommendations apply to that area. It is open to the Rajasthan Government to undertake a separate enquiry and examine the position in the canal area. We understand that special rights have been given to the colonists under certain definite conditions and we do not wish to disturb the same without adequate information.

7

For similar reasons we suggest that the Zamindari area in Kotah also be taken from our recommendations in this chapter

### Part XIII—RECOMMENDATIONS RELATING TO LAND TENURES LAND RECORDS AND SETTLEMENT

With the abolition of the jagir system the way will be open to the Government of Madhya Bharat and Rajasthan to assimilate the jagir villages fully with the villages. Similarly with the elimination of the zamindari the stage reached when the cultivator of the soil will be brought into direct relation with the government.

We should like to make a few observations on the land tenure system which be set up after these changes have been effected. We do not favour the having a multiplicity of classes of ryots. Different classes of tenants with their coming into existence in the past mainly because of historical reasons have been tooled. The abolition of jagirdari and Zamindari in Madhya Bharat and Rajasthan will give the governments an opportunity to evolve a simple and more uniform system of land tenures. We recommend that there should be recognised one class of tenure which may be called *pattadari* *khata-dari* or by any other name. This will embrace all cultivators cultivating their holdings and paying revenue direct to government. The jagirdar and the zamindar in his capacity will also have the same rights as the *pattadari* ryot. This system will closely resemble the ryotwari system of the Deccan with however certain important differences.

3 In considering the status of the *pattadari* ryot his rights and therefore his duties have to be examined namely—

- (a) the right of inheritance
- (b) the right to transfer his holding and
- (c) the right to sublet his holding

Even though property in land has not been in the past recognised in India the right of the male heirs of a cultivator to continue to be in possession of his holding after his death and to cultivate the land subject to the same liability to pay the share of the state has always been recognised. In recent years reforms in North India have also tended to confer heritable rights on tenants at will. The *pattadari* tenant would therefore have clearly defined rights. Inheritance of his rights should not and in fact should not follow the general law of the ryot. This again is a principle which has been recognised in tenancy reforms in North India. Agricultural holdings have certain peculiarities which require that the laws of inheritance govern them should be simple and not lead to too much fragmentation of the holding in each successive generation. The British tenancy laws have therefore made separate provision for inheritance. The Madhya Bharat tenancy act and the existing individual tenancy law in Rajasthan also make separate provision for inheritance of ryots' holdings.

4 Peasants in the ryotwari system of the Deccan enjoy full right of transfer in respect of their holdings. This question has been examined fully in the settlements made in the Indian State and other states in Malwa. The system of tenures evolved there does not give unrestricted rights of transfer to the ryots. We are of the view that such unrestricted rights of transfer should not be conferred on peasants in Madhya Bharat or Rajasthan. It is the representatives of the *Khas* *Sabbas* who appeared before the Committee expressed the view that it would be necessary in the interests of the peasant himself to restrict his rights of transfer. If the right of transfer is given freely there is a danger of the land passing into the hands of money lenders in periods of slump when the peasant may be in a position to borrow. There is also a danger of lands passing to the hands of speculative

has no intention of settling in the land or developing it. We would therefore suggest on the analogy of the system obtaining in Malwa that a peasant be allowed to transfer the whole or part of his holding only with the permission of the tehsildar or the collector. Clear provisions should be made in the tenancy acts defining the conditions under which such applications for transfer will be granted. Transfer may for example be permitted only to a bonafide agriculturist meaning by the term not a member of any particular caste tribe or class but a person genuinely intending to cultivate the land. Transfer may also be permitted where the land required for an expanding abadi or a town or for the establishment of a factory or other industrial premises.

6 There are both in Rajasthan and in Madhya Bharat certain small numbers of peasants who enjoy Pukhta Maurusi or Malkana Haq rights. They possess a present unrestricted right of transfer. We consider that the same restriction as apply to other tenants should apply to them also with respect to the right of transfer. This has been done in the recent Madhya Bharat tenancy act.

6 We would also recommend that provision be made in the tenancy acts laying down priorities according to which land which a peasant may seek to transfer or land which falls vacant or land which is lying fallow at the disposal of the Government be leased to different persons. The object of drawing up the priorities should be to help in the creation of more economically consolidated or optimum sized holdings. When a tenant seeks to transfer his land or relinquishes his holding priority of allotment may be given to—

- (a) his heirs if any
- (b) his sub tenants if any
- (c) peasants of neighbouring holdings who may desire to exchange expand and on olden their holdings
- (d) landless peasants living in the village and genuinely desirous of cultivating land and
- (e) cultivators resident in the same village who have much less than a minimum holding

Such priorities have been drawn up in the Madhya Bharat tenancy act and we generally agree with the principle of these provisions of law.

7 We also consider that severe restrictions should be placed on the peasant right to sublet his holding. If the right to sublet is freely given the pattedar tenants may tend to form a new class of intermediaries which is undesirable. A pattedar who does not desire to cultivate his land should relinquish or transfer his holding but not indefinitely sublet his lands. For this purpose we would suggest that a pattedar subletting his land continuously for a period longer than three or five years should be deprived of his rights in the lands so sublet and his rights will be transferred to the sub tenant. There should also be a fixed interval of at least three years between two transactions of subletting. We would recommend that exception be made in favour of minors, women, physically incapacitated persons such as blind persons and lunatics to sublet their holdings for the period of the disability without the sub tenant acquiring any rights. We would recommend strongly that peasants who enlist in the army should be allowed to sublet their holdings for the period of their enlistment without the tenant acquiring any rights. Sub tenants should also have protection with regard to the rent payable by them to the tenant in chief. Sub tenants should therefore not be liable to pay a rent exceeding fifty per cent over the settlement rate.

8 The Government of Rajasthan will during the next few years have devoted special attention to the organisation of the land revenue administration of the State. In our opinion it is absolutely necessary that government pat should be appointed to all the villages and the records maintained by them should

red to be public records with the right given to every interested party to have a copy of an extract from the records at any time. The untrained patwaris may be inadequate in the beginning. There would be a transition to the employment of untrained patwaris in the earlier stages provided the untrained men have experience of the work. The necessary training will have to be provided so that the needs of the state may be met from here not only now but in the future also.

Survey and settlement operations should be carried out with energy and determination in the vast areas of Rajasthan. A target of ten years should be set for the completion of settlement operations. Without such settlement many of the reforms such as the demarcation of the khudkashts of jagirdars, zamindars and others as well as the needs will be difficult to achieve.

In many parts of Rajasthan again there is an insistent demand from the peasants for the fixation of cash rents. It is only after settlement operations that the village rates can be framed. Some caution may be necessary in converting grain rents to cash. Grain rents may in some cases be more suitable than cash rents, especially in some of the more precarious tracts of Rajasthan. The fixing of cash rates in some parts may put the peasants in difficulties. We think therefore that care should be taken to see that in such areas conversion of the rents to cash may only be made at the request of the peasant.

## CHAPTER XIV—CERTAIN INTERIM RECOMMENDATIONS RELATING RAJASTHAN

1 We consider that pending the completion of the settlement operations everywhere in Rajasthan it is essential to ensure to the tenant some protection as an interim measure

The important benefits which survey and settlement secure to the tenants are —

- (a) the lightening of the comparatively high incidence which presently rests upon him and
- (b) the removal at any rate of some of the causes of frequent disputes and friction between him and the landlord particularly in regard to the division or appraisement of the crop

3 We recommend therefore that Government may lay down the maximum share of the produce which a landholder may be allowed to demand as rent from his tenant. We find that cash rents in khalsa and other settled villages have generally been assessed on the basis of one third and one fourth of the produce for unirrigated and irrigated lands respectively. The Jodhpur and Jaipur Tenancy Laws have already adopted this as the statutory maximum. Statutory recognition of this principle should be given throughout Rajasthan. We understand that instances of grain rents in excess of this maximum are frequent. The statutory maximum so prescribed will to the extent the present rates may be in excess of the maximum relieve the tenant of the extra burden which he would otherwise have to bear.

4 As regards the recurring disputes between the landlord and the tenant regarding the division or appraisement of the crop the tenancy laws of Rajasthan should provide a machinery or procedure whereby such disputes can be summarily settled. We suggest that the authority in this respect should be vested in the Tehsildar who should be fully competent to take cognizance of such disputes on an application by either party and dispose of it summarily on the spot.

5 We also commend to the consideration of the Rajasthan Government a somewhat simplified and summary process of survey and settlement which may be adopted for the purpose of evolving provisional cash rents till the settlement operations are completed. It has been suggested to us that flat rates both for wet and dry lands for groups of villages more or less homogeneous could be evolved either in terms of local bullocks or with reference to the number of ploughs actually used by tenants. We further understand that summary cash rent by this method can be worked out for the whole of the unsettled areas of Rajasthan in about two years time. We consider that there is considerable merit in this suggestion. It can at any rate be adopted to advantage in respect of the vast sandy and comparatively poorer regions in Bikaner, Jodhpur and Jaisalmer. It may also be adopted in areas where the relations between the Jagirdars and the tenants may be strained or where the incidence of the present grain rents may demonstrably appear to be unduly high.

6 Having regard to the fact that vast non-khalsa areas have yet to be integrated with the khalsa areas in Rajasthan we make the following further recommendations during the interim period —

- (i) The Rajasthan Government should appoint Patwaris in jagir areas as early as this can be done. There is an urgent need to maintain governmental agency in jagir villages as none exists at present. The task of maintaining record of rights and preparation of agricultural statistics is a matter of immediate necessity. There are about 3400 Patwaris in the khalsa villages of Rajasthan. We understand that on the existing khalsa basis about 6000 Patwaris will

required for the jagir areas. It will not be an easy task to find this number immediately. Special measures will have to be taken for the training of the required number of patwaris. We expect that this matter will receive the earnest consideration of the Rajasthan Government. Wherever jagirdars' employees if qualified or properly trained are available they may also be employed.

Ejection of tenants in jagir areas on any ground should be prohibited except under prescribed conditions.

The Government of Rajasthan must arm themselves with authority to intervene in order to let out lands for cultivation whenever it is found that the jagirdar is unreasonably refusing to let out unoccupied land for cultivation if there is a demand for it.

The jagirdar should forthwith be prohibited from selling or leasing out new land for residential purposes except with the permission of government. This permission will be contingent on the condition that the land is required for bonafide purpose of meeting the growing needs of the abadi. This restriction is obviously called for if the jagirdars are to be prevented from capitalising their unoccupied land by means of such alienation detrimental to the potential interests of the State.

In taking over the estates of the principal rissupees priority may be given to areas where agrarian situation has deteriorated owing to acute tension between the jagirdars and the tenants.



## CHAPTER XV—SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS

1 The Committee's main conclusions and recommendations are summarised below —

- (i) The jagirdari system should be abolished and the collection of revenue from the jagir villages should be taken over direct by government
- (ii) For purposes of abolition jagirs should be divided into those comprising one or more entire villages and those consisting of scattered plots or holdings
- (iii) Jagirdari rights are not property rights entitling jagirdars to compensation. Jagirdars of entire villages should however be given rehabilitation assistance according to the scale given in paragraph 30 (Chapter VI)
- (iv) Basic annual sum for a jagir to be determined in accordance with paragraphs 6 and 27 of Chapter VI
- (v) Jagirdars, muafidars etc. of holdings and plots should be allowed to enjoy the full income of their present jagirs for a period of 10 years
- (vi) Tenants of assignees in (v) above should be given protection against ejectment and should have fair rents fixed as soon as settlement operations are possible
- (vii) Jagirdars should be allowed khudkasht consisting of their present khudkasht plus such area as may be acquired later subject to a reasonable maximum to be determined for each area and subject to the condition that no khudkasht shall be acquired by dispossessing any peasant of his land (Chapter VI para 11)
- (viii) A Statutory Religious and Charitable Endowments Board should be set up to which government should pay an amount equal to the income derived from endowment assignments at present. This board should take over the management of all temple and institution which depend on these endowments for their upkeep. For the religious endowment assignments may be treated in the same manner as other jagirs
- (ix) Zamindari rights should be extinguished
- (x) The Gangunagar Canal area in Bikaner and certain zamindari tracts in Kotli are excluded from the recommendation in (ix) above
- (xi) Zamindari rights are not full property rights but zamindars should also be given rehabilitation assistance according to the table given in Chapter VII
- (xii) No drive should be made for the collection of a zamindari abolition fund from the tenants
- (xiii) Zamindari abolition should be financed from the extra revenue derived by government by collecting full rents from the tenants
- (xiv) Ryots throughout should be placed in the same category and given uniform rights
- (xv) Ryots should have heritable rights but their rights to transfer should be subject to restrictions
- (xvi) Inheritance of peasants should not be according to personal law but according to a simpler system to be laid down in the tenancy acts
- (xvii) In transfers of ryots holdings and in the grant of new leases by government due regard should be paid to the necessity of creating economic and optimum holdings and to consolidate existing holdings

- (xvi) The ryots rights to sublet his land should be severely restricted. Exception should be made only in the case of minors women the physically disabled and enlisted soldiers
- (xix) The rents payable by sub tenants should not exceed 50 per cent over the settlement rates
- (xx) Government patwaris should be appointed to all villages including jagir villages and the records maintained by them should be public records
- (xxi) Survey and settlement of the unsurveyed areas in Madhya Bharat and Rajasthan should be undertaken and completed within ten years
- (xxii) When settlement rates are evolved tenants paying rent and revenue in kind should be given the option to convert to cash in certain precarious tracts
- (xxiii) Interim arrangements in Rajasthan pending the completion of settlement include—
- (a) Maximum rent payable by a tenant should not exceed in the case of irrigated land one fourth and in the case of any other land one third of the crop of such land
  - (b) Provisional cash rents may be evolved pending assement of cash rents by settlement officers
  - (c) Rajasthan tenancy laws should provide a simple machinery for the settlement of disputes arising out of the division of crops
  - (d) Ejectment should be prohibited except under prescribed conditions
  - (e) Government should intervene when it is found that the jagirdari is unreasonably refusing to let out unoccupied land for cultivation
  - (f) Jagirdars should forthwith be prohibited from selling or leasing out new lands for residential purposes except with the permission of Government
  - (g) Priority to be given for taking over those jagirs where there is serious agrarian discontent

We desire before concluding our report to express our gratitude to the Government of Madhya Bharat and Rajasthan for the assistance given and the facilities afforded in the work of the Committee. The facilities placed at our disposal and the services of their Jagir Commissioners who in addition to their duties have acted as Secretaries to our Committee

The Chairman wishes to express his appreciation of the work of Mr M P Chatterjee in the preparation of the report

Sd C S VENKATACHARYA	Chairman
Sd GOKULBHAI BHATT	Members
Sd SITA RAM S JAJOO	
Sd BPLI CHAND SHARMA	
Sd V VISHWANATHAN	

SHIV SHANKAR GAUT  
Sd JASWANTPAJ MEHTA

} Secretary

NEW DELHI  
15th December 1949

## APPENDIX A

No 4 (61) P/49

GOVERNMENT OF INDIA

MINISTRY OF STATES

Dated New Delhi the 20th August 1949

## Resolution

The Government of Rajasthan and Madhya Bharat Unions have had for some time under their consideration the question of reforming the land revenue system in these Unions with a view to bring about direct relationship between the State and the tillers of the soil. The Government of India have at the request of the two Governments decided to appoint a fact finding committee to assist them in settling this question in a satisfactory manner.

2 The Government of India have accordingly decided to constitute a committee consisting of—

- |                             |                 |                       |
|-----------------------------|-----------------|-----------------------|
| (i) Shri C S Venkatachar    | <i>Chairman</i> | } for Rajasthan Union |
| (ii) Shri Gokul Nath Bhatt  |                 |                       |
| (iii) Shri Brijchand Sharma |                 |                       |
| (iv) Shri V Vishwanathan    |                 |                       |
| (v) Shri V S Sirwate        |                 |                       |
- for Madhya Bharat Union

to study the existing land tenure systems in Madhya Bharat and Rajasthan Unions and to make suitable recommendations

3 The terms of reference of the Committee are —

To examine and report upon

- (1) the existing structure and the working of the Jagirdari system in the United States of Madhya Bharat/Rajasthan
- (2) the state of land revenue administration including survey settlement maintenance of village records in areas under the Jagirdari system in Madhya Bharat/Rajasthan
- (3) the existence of tenancy legislations if any, the regulation of relations between the landholder and the tenant, the mode of realization of rent, the status of the tenant and security of tenure
- (4) the need and desirability of redetermining in the light of present day conditions the requirements of modern administration in general and in particular the need for improving agrarian condition, the respective shares of the state and the Jagirdar in the assets of the Jagir
- (5) the desirability of extinguishing all differences between the Khalas (or non jagir) and jagir areas so that a uniform revenue and land tenure system may be established throughout the United States of Madhya Bharat/Rajasthan, the manner in which it should be brought about and the administrative organization necessary therefor
- (6) any other constituent and/or cognate matters which the committee may consider as arising out of the foregoing terms of reference

4 The Committee will complete its work and submit its report to the Government of India by the end of October 1949

M K VILLADI

Secretary to the Government of

## APPENDIX B

Report issued by the Rajasthan/Madhya Bharat Jagir Enquiry Committee

### I

What are your views on the origin, growth and the working of the Jagirdari?

Should you make any distinction in the treatment of the various classes of Jagirdars including service grants maintenance Bhomichars and Charitable Jagirdars of the difference in their origin or the purpose for which they were brought in?

Would you likewise make any distinction on the ground of their size or

There are two elements in the conglomeration of the rights of a Jagirdar: one is his tenure as a landholder the other is comprised in the special or privileges exercised by him with official authority or by prescription. These rights in your view be continued modified or extinguished?

(1) What are your views on the ultimate abolition of the Jagirdari system?

(2) With respect to 4 and 5 above—

(a) are you in favour of carrying out the changes in stages?

(b) would you recommend any definite period of years?

(c) what concrete schemes would you suggest for giving effect to the modification or extinction of rights or the abolition of Jagirdari?

### II

(1) What tenancy rights would you like to secure to the tenants (and sub-tenants) in Jagir areas on a par with tenants in Khalsa?

(2) How many classes of tenants should in your opinion be recognised in the United State of Rajasthan/Madhya Bharat?

(3) What in your view are the particular safeguards to be provided in the law relating to security social and economic justice to the tenants in conformance with modern conceptions?

### III

(10) What are the defects in the present mode of realisation of rent in Jagir areas and what remedies do you suggest to rectify these defects in areas where rents are realised (a) in cash and (b) in kind?

(11) What in your opinion should be the allowance for the collection of rent in Jagir areas?

(12) What in your view should be the agency for the maintenance of record of right and in particular the preparation of the Matalba?

(13) What are your views regarding the levy and realisation of cess wherever they are in vogue?

### IV

(14) What interim relief if any should in your opinion be granted to tenant in Jagir areas pending amendment?

(15) What percentage of his assets should a Jagirdar contribute to the State and on what basis ? Do you favour a sliding scale for the purpose ?

(16) In your opinion will any class or classes of Jagir or Jagirdars require exemption or favourable treatment ?

V

(17) In addition to the administrative machinery of Government can you suggest any machinery for the purpose of ensuring the speedy and equitable settlement of disputes between a landholder and his tenants ?

(18) What is your view in regard to the continuance or otherwise and regulation of different fiscal rights (such as excise customs mineral quarries etc) or powers at present exercised or enjoyed by the Jagirdars ?

(19) How much land (irrigated or unirrigated or both) should be allowed to a Jagirdar or landholder as his Khudkashta ? What proportion should it bear to the total area in his Jagir ? And what should be the maximum to be allowed ? To what extent should the Government help the Jagirdar in the matter of appropriation of his Khudkashta land ?

(20) For the purposes of this enquiry would you treat Zamindari or Biswadari wherever this is to be found in the United State of Rajasthan/Madhya Bharat on the same lines as Jagirdari ? If not how do you propose to deal with them ?

N B —Jagir includes all its variants

*Statement showing the details of area and villages under the various stages of irrigation.*

## United State of Rajasthan

United State of Rajasthan																			
Statement showing the details of areas under various crops																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area
	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area	Area
1. Udaipur	112.6	4931	11078	180	683	11078	180	683	11078	180	683	11078	180	683	11078	180	683	11078	180
2. Jaipur	8368	3317	1804	8317	03	1041	007	9378	370	7316	1845	895	173	400	344	088	601	589	589
3. Bikaner	4936	6091	87	5193	3	61	90	5849	589	11	3816	895	173	400	344	088	601	589	589
4. Jodhpur	400	9941	350	6506	224	490	344	088	601	589	11	3816	895	173	400	344	088	601	589
5. Lalot																			
Total	33416	13736	1438	36800	5434	1373	1412	6053	775	8097	5382	613	33	480	6756	4903			

# APPENDIX D

Statement showing the rights of tenants in the various units in Rajasthan both *Khalsa* and *Jagir*

## JAIPUR

Class of tenants	Inher tance	Transf r	T	Subletting	Rights to mak impr ov ment
<i>Khalsa</i> —					
Pattidar (the who buy pld a prem im fo th land)	Full rights	Full right	Full rights	Full rights	Full right
Khat dar	Ditto	Right f m rigag f 10 3 a	Full rights	For 5 yrs	Full rights
Ga hlatda	Ditto	No rights	For domestic or agt cult rai use only	For on yrs only	No right
Sub tenant	No	No	No right	No	No

J o

Sam n Kh lsa

In Kot h m nd Kot Putli th re is a class of landhold rs known as B wedars and th oc p n y tenants un l r the landhold rs (called Motrus  
Kast kars) ha o full rights of inheritance t ansf r f trees imp ov mnts n lsh letting) st hko Patis l rs Tl rghts; however r r tict i to t l o o  
who were recorde d the oc pancy t n nts at th last revision of settlement

## BIKANER

Class of tenant	Inheritable	Transf r	Subletting	Trees	Improvement
<i>Kh lsa</i>					
(1) O cupan y tenants	Full	Not transf r ble w th out	Consent let f r	No pecific	Any mak n y

er oil r t n u. f S a d  
by t l g n t f S a d  
o p n y r g h t s h a v b n  
s o l d }

H t p y p r e m i u m 16 t m e  
t h r n t

I n B w d n O y a l  
(T n a n t w t h h l  
p o s s e n w h h l  
r o a d y b e e n a d m i t t d t  
o c p n y )

F u l l r g t t

D t t o

C a n s b l t f s e v n  
y o a

T r a n s f e r b l e s u b j e c t t  
t i g h t o f p e m p  
t o n o f t h l a n d h o l d  
r a n d t h r p e r n e  
a c d n g t o p e m  
p l o n A t

H t b l

P e s m l l, n o r i g h t

C n u b l e t f o f i e F o b a b l y h s n o r i g h t  
y a r a

D t t o

N t t a n f b l

D t t

( ) K h t d t

A t n a n t w h a s t h g h t  
r u l t t o n a d c o n t f  
n o s p a n n e  
w h h a d h n e  
t l y c l d a n d  
b u g h t a n d c u l t y  
t n a l o i g s h e r e g u  
l a y p a y r e n t

;) L e a s e s—

A t e n a n t h l l g f  
f d t e r m i n e a l s o  
d r e e r d e r o f  
c m p t a n t i t h t y

G o r d b y t h e t e m f t h l e

4) R e l a y t e n a n t s—

T e a n t a n t n l u d e l n  
n y f t h o b o v c l a s s e s

N o r g h t s

P t l l y t n a n t t w i l l

J g i r

r J a g i r r o a s t h e r e a r e n o o c u p n e y r g h t s



# JODHPUR

Class of Tenants

Interstancy

Tenancy

Subletting

Trees

Improvement

Bajdar

(who has a B pu Patta and has paid premium)

Full

Can not be put to any other use but for the purpose of agriculture only

Gardar

Jagir

(every person who at the commencement of the Jagir was a tenant is a Gardar or Khudedar)

Full

Can not be put to any other use

Full

Tenancy to the Crown for 3 years or with 3 years' notice

No trees

Presumably no right of improvement

Kastakar

Hereditary according to personal law

Can transfer his right in the Ilakim Can be let out or not

No trees

Can dig a well on payment of Rs 101 Nazrana and has the right of first watering only

Khaila

Khailadar or Bapdar

Full according to personal law

Full right

Full right

Full right

To construct a well on the land for the purpose of first watering

Nil



[illegible]



Class of tenants	Inheritance	Tmsf	Sublet	Trees	Improvements
JHALAWAR					
	holder	(As in Kotai)			
KARAULI					
1 Bndbt holder	Htbl	Right of election subject to transfer	Can sublet	Nepf	Full right of improvements
2 trkl	Dtto	Transferred by exchange not by lease	Can sublet	Nl	Nl
		Permanently same	in lease and joint		
1 Occupant	Htbl	BHARATPUR (Zamindari system) Not transferable	May sublet for period of 5 years the term of title ment	Right according to Jbul A	Full right of improvements
2 ed tenant		Rights go in by agreement			
3 Nonoccupant	All there	are in cpancy tenant No Jgrd	They are tenants at will		Nrgts
ALWAR-Bswedarwalh the same as Zamindari					
ANBtpur with the	separate	pancy tenant	in the	in the	Bwed
DHOLPUR (Zamindari)					
BNlbahtkl tedar	Htbl	Transferable to a holder	May sublet for 5 years	No pecification	May in improvements may in plantation trees with the permission of the Zamindar
2 llted	Htbl	Nt transferable	May sublet for 5 years	Dtto	May in improvements may in plantation trees with the permission of the Zamindar
Same in Khalsa and Jagir					

## (1) Jaipur State Grants Land Tenures Act 1917

## KHUDKASHT

2 (1) Khudkasht means—

- (a) land which was being cultivated at the commencement of this Act or may be cultivated at any time thereafter by an estate holder as such either himself or by his servant or by hired labour or
- (b) land which was declared prior to the commencement of this Act or may hereafter on application or otherwise be declared by the Government in accordance with the provisions contained in the First Schedule to this Act as khudkasht of an estate holder

(2) Khudkasht right means the special rights created by the provision of this Act

## The First Schedule

1 When any land is required for the *bona fide* personal cultivation of the estate holder and his co-harers Government may declare the land so required as khudkasht

2 The area to be declared as khudkasht shall be determined with due regard to the following matters—

- (a) The total area of the estate in all the villages in which it holds any land including the proportionate area held in Shamlit khewats but excluding the area of sub grants other than those made for life
- (b) The area held by the estate holder as khudkasht under clause (a) of section (1) of section 15.
- (c) The number of adult co-harers of the estate holder if any who require land for their personal cultivation
- (d) Whether the estate holder is in a position to engage himself in cultivation

3 When the area to be declared as khudkasht has been determined under rule 2 it shall be appropriated out of the following categories of land in the order in which they are mentioned—

- (a) land held as khudkasht under clause (a) of subsection (1) of section 15.
- (b) cultivable waste other than land reserved for grazing
- (c) land which is sub let by a person other than a pattidar tenant or a disabled person belonging to any of the classes mentioned in section 2 of the Jaipur Tenancy Act 194.
- (d) land held by non-agriculturists
- (e) land held by a ghair khatedar tenant who is an agriculturist
- (f) land which forms the *jao* of a masonry well constructed by the estate holder at his own expense whether such land is held by a khatedar or ghair khatedar tenant
- (g) land held by other khatedar tenants of less than twelve years standing

4 The area declared and demarcated as khudkasht in accordance with the provisions shall not be liable to be increased on the ground of any increase in the number of co-harers of the estate holder

(11) *Marwar Tenancy Act 1949*

## SIR LAND

Section 6—(1) Sir means —

- (a) such land as at the commencement of this Act is being cultivated by the landlord
- (b) such land to which clause (a) does not apply but which was cultivated by the landlord for not less than seven years during the ten years immediately preceding the commencement of this Act
- (c) such land as has been continuously cultivated by the landlord for a period of not less than six years at any time after the commencement of this Act and as has on the application of the landlord been declared and demarcated as the applicant's Sir by the Deputy Commissioner

Provided that the area of Sir which may be acquired by a landlord in a village under clause (c) when added to the area which is his Sir under clauses (a) and (b) shall not exceed in the aggregate the following scale —

- (i) If the cultivated area in the Village owned by the landlord is not more than 600 bighas of irrigated land or 1 800 bighas of un irrigated land — 50 per cent of such area
- (ii) If such area is more than 600 bighas of irrigated land or 1 800 bighas of unirrigated land but not more than 1 200 bighas of irrigated land or 3 600 bighas of unirrigated land—
  - (a) for the area mentioned in (i) As above
  - (b) for the excess over this area 1 per cent
- (iii) If such area is more than 1 200 bighas of irrigated land or 3 600 bighas of unirrigated land but not more than 2 500 bighas of irrigated or 7 500 bighas of unirrigated land—
  - (a) for the area mentioned in (i) and (ii) As above
  - (b) for the excess over this area 10 per cent
- (iv) If such area is more than 2 500 bighas of irrigated land or 7 500 bighas of unirrigated land—
  - (a) for the area mentioned in (i) (ii) and (iii) as above
  - (b) for the excess over this area 5 per cent

*Explanation* —Land allowed to be fallow according to usual agricultural practice or which is not cultivated owing to famine or similar natural calamity shall be deemed to be cultivated

(2) The restriction imposed by the proviso to sub section (1) shall not apply where the area of Sir to be acquired by a landlord under clause (c) when added to the area which is his Sir under clauses (a) and (b) does not exceed the following limits namely—

- (i) 150 bighas of unirrigated land or
- (ii) 50 bighas of irrigated land

(a) A landlord who at the commencement of this Act is in the military service of India or in the military service of Marwar may within one year after the commencement of this Act apply to the Assistant Commissioner in charge of the division in which his land is situated that the land specified in the application be declared to be Sir land.

The Assistant Commissioner may declare the land specified in the application to be Sir land.

Provided that the area of land which may be declared as Sir land under this clause shall not exceed in the aggregate—

- (i) 150 bighas of unirrigated land or
- (ii) 50 bighas of irrigated land



## ALIRAJPUR KATHIWARA AND MATHWAR

Note.—These the State are settled and title is a normal and regular one for valent  
Rent is realised on outband (Hlwari) system

## NARSINGGARH

1 Khat d r	Yes	No	Cannot uttr s with out p m s n but an sell the fruits	Yes	No
Shukmi	No	No		No	No

Note.—Same n khat and J g

## RATLAM

1 Patt d r	Yes	No	Pr s titlement and titlement ult va t rs have full right Tenant after etil ment have no ights	Yes	Yes
1 tamarardar	Yes	Yes	D tto	Yes	Yes
3 Ryot M gh yan	Yes	No	D tt	Yes	Yes
4 Sub tenants	No	No	No	No	No
J g r					
1 Mour i Khatedar	Yes	Yes	No	Yes	Yes
sub tenants	No	No	No	No	No

## JAORA

1 Mamuli Khatedar	Yes	Has no ght	Pr settl ment and titlement ult a for have full ghts Tenants after s titlement have no rights	Yes	Yes
-------------------	-----	------------	--	-----	-----

Yes

No

Yes

No

Yes

No

By ti Patted  
3 Ry ti I h teda  
(K y id Padedar)  
4 Ryot I l t dar accord  
ng to Mogh y n A t  
5 Istarrard r  
6 Sh km  
NOTE—In Jag r Hlog N  
and 4 typ of t n nt

DEWAS SENIOR AND JUNIOR

Patt d Kkedu  
1 Malkana

Can t an f Kk ta  
r gl w th per  
m a n f C urt n  
p ym nt of equ a  
nt t a g ye re  
r nt Th ten nt  
s n the gbt  
of malkana and he  
has no right to sell  
or mortgage

Cannot ll f t t tes  
b t can cut them f  
t m t c a d gr  
cult ral p rpose  
with permi t n

Can b lot f r l year Yes  
with t perm i n  
If t nls to sub  
l t for mo a t n l  
y rh l as to reg ter  
the Patta for 5 years

In S nu r Dewas a  
ten nt has right to  
hange hu f ld  
but cann t sell o  
mortg ge In J  
nior Dewas h has  
th right to sell o  
mortg ge on p y  
ment of l year r nt  
as Nazrana.

Yes

Ryot

S me right a P tte  
d Khed  
N right  
No

Yes

8 A b t d

4 c i Pattedar

Yes

No

No

No

In Kkedu ar i J g

## SAILANA

As n Ratism No N

1 Ord nary Khat d r Yes

Mourus Khatodar

3 Istam a dar

4 Ryti Mgh yn

5 Subt nant

## I HUCHIPUR

1 P'hateda Yes No Cut t wtl Yes Yes

Shkm No No No No

NOTE—Same s Khalsa and Jagur

## SITAMAU

1 Patted r Meml Yes Yes With perm st n With p m on With perm as o With p rm on

Ist mard r Yes Yes Yes Yes Yes Yes Yes Yes

3 Patted r Ryti Yes Yes Yes Yes Yes Yes Yes Yes

4 Ryoti Mughl a Yes Yes Yes Yes Yes Yes Yes Yes

5 Ryoti Mughl yn Yes Yes Yes Yes Yes Yes Yes Yes

6 Shkml N N No No No No No No

NOTE—In Jag r l l ges there a e types of tenant namely P t d r M mtl and Sh km as in Khal a

## KURWAI &amp; PATHARI

1 Pattedar Yes Yes Yes Yes

Khatedar No No No Yes

3 Gar Khateda No No No Yes

4 Shkml N No No Yes

NOTE—Th s r ght l en in ase f payment of Na ran same n Jd and Khal

## JOBAT

Same n JHABUA



## APPENDIX G

Statement showing classified numbers of Jagirs graded according to their incomes  
United States of Gwalior Indore and Malwa (Madhya Bharat)

Serial No	Graded income of Jagirs	Number of Jagirs	Remarks
I	Upt Rs 00	177	
II	Above Rs 500 and upto Rs	2	
III	Above Rs 1 000 nd upt Rs	270	
IV	Ab v Rs 000 nd upto R	160	
V	Above Rs 3 000 d upto R	106	
VI	Ab v Rs 4 000 nd upt R	71	
VII	Ab ve R 5 000 nd upto Rs	163	
VIII	Above Rs 10 000 and upto R	67	
IX	Ab ve Rs 15 000 and upto R	6	
X	Above R 0 000 and upto Rs	18	
XI	Abv Rs 25 000 nd upto Rs	11	
XII	Above R 30 000 and upto Rs	9	
XIII	Abv Rs 40 000 and upto R	6	
XIV	Above Rs 0 000 and pt Rs	5	
XV	Abv R 60 000 and upto Rs	7	
XVI	Above Rs 70 000 and upt Rs	3	
XVII	Abv R 80 000 and upt Rs	3	
XVIII	Above Rs 1 00 000 and upt Rs	4	
XIX	Abv R 1 50 000 nd upt Rs	1	
XX	Above Rs 00 000 nd upto R	1	
XXI	Abv Rs 3 00 000	1	
Total		139	

